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HANSARD'S

PARLIAMENTARY

DEBATES:

FORMING A CONTINUATION OF
"THE PARLIAMENTARY HISTORY OF ENGLAND
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XXXVI.

COMPRISING THE PERIOD FROM
THE THIRTY-FIRST DAY OF JANUARY, 1837.
TO
THE SIXTH DAY OF MARCH, 1837.

First Volume of the Session.

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1837.

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HANSARD'S
Parliamentary Debates

During the THIRD SESSION *of the* TWELFTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN *and*
IRELAND, *appointed to meet at Westminster,*
31*st January,* 1837,
in the Seventh Year of the Reign of His Majesty
WILLIAM THE FOURTH.
First Volume of the Session.

HOUSE OF LORDS,
Tuesday, January 31, 1837.

OPENING OF PARLIAMENT.—THE KING'S SPEECH.] The Parliament was this day opened by Commission. The Commissioners present were—the Archbishop of Canterbury, the Lord Chancellor, the Marquess of Lansdowne, Viscount Duncannon, and Viscount Melbourne.

The *Lord Chancellor* read the following Speech :—

"*My Lords and Gentlemen,*

"We are commanded by his Majesty to acquaint you that his Majesty continues to receive from all Foreign Powers the strongest assurances of their friendly disposition; and his Majesty trusts that the experience of the blessings which peace confers upon nations, will tend to confirm and secure the present tranquillity.

"His Majesty laments that the civil contest which has agitated the Spanish Monarchy has not yet been brought to a close; but his Majesty has continued to afford to the Queen of Spain that aid which, by the treaty of quadruple alliance of 1834, his Majesty engaged to give if it should become necessary; and his Majesty rejoices that his co-operating force has rendered useful assistance to the troops of her Catholic Majesty.

"Events have happened in Portugal which, for a time, threatened to disturb the internal peace of that country. His Majesty ordered, in consequence, a temporary augmentation of his naval force in the Tagus, for the more effectual protection of the persons and property of his subjects resident in Lisbon; and the Admiral commanding his Majesty's squadron was authorised, in case of need, to afford protection to the person of the Queen of Portugal, without, however, interfering in those constitutional questions which divided the conflicting parties.

"His Majesty has directed the Reports of the Commissioners appointed to inquire into the state of the province of Lower Canada to be laid before you, and has ordered us to call your attention to that important subject.

"We have it also in charge to recommend for your serious deliberation those provisions which will be submitted to you for the improvement of the law and of the administration of justice, assuring you that his Majesty's anxiety for the accomplishment of these objects remains undiminished.

"We are required to convey to you his Majesty's desire that you should consult upon such further measures as may give increased stability to the Established Church, and produce concord and goodwill.

"*Gentlemen of the House of Commons,*

"The estimates of the year have been prepared with every desire to meet the exigencies of the public service in the spirit of a wise economy. His Majesty has directed them to be laid before you without delay. The increase of the revenue has hitherto more than justified the expectations created by the receipts of former years. His Majesty recommends an early renewal of your inquiries into the operation of the Act permitting the establishment of joint-stock banks. The best security against mismanagement of banking affairs must ever be found in the capacity and integrity of those who are intrusted with the administration of them, and in the caution and prudence of the public; but no legislative regulation should be omitted, which can increase and insure the stability of establishments upon which commercial credit so much depends.

"*My Lords and Gentlemen,*

"His Majesty has more especially commanded us to bring under your notice the state of Ireland, and the wisdom of adopting all such measures as may improve the condition of that part of the United Kingdom. His Majesty recommends to your early consideration the present constitution of the municipal corporations of that country, the collection of tithes, and the difficult but pressing question of establishing some legal provision for the poor, guarded by prudent regulations, and by such precautions against abuse as your experience and knowledge of the subject enable you to suggest. His Majesty commits these great interests into your hands, in the confidence that you will be able to frame laws in accordance with the wishes of his Majesty and the expectation of his people. His Majesty is persuaded that, should this hope be fulfilled, you will not only contribute to the welfare of Ireland, but strengthen the law and constitution of these realms, by securing their benefits to all classes of his Majesty's subjects."

The House adjourned, and met again at five o'clock.

ADDRESS IN ANSWER TO THE SPEECH.] The Earl of *Fingall* rose to move the Address. The noble Earl said:—Having been but a very short time a Member of their Lordships' House, it might almost be considered presumptuous in him to present himself to their Lordships' notice upon so important an occasion, but when matter for the amelioration of that part of the United Kingdom with which he was more immediately connected came before their Lordships, it was not to be wondered at that he should be desirous of availing himself of the opportunity which was presented to him. He was fully sensible of the difficulty and importance of the task which had devolved on him, to which he feared he was unable to do justice, and he trusted that their Lordships would extend to him the same kind indulgence, the same kind consideration, which they usually extended to noble Lords placed in similar circumstances. His Majesty's most gracious speech commenced with the gratifying statement, that he continued to receive from all foreign powers assurances of their friendly disposition and regard. It was a subject of congratulation for them to know, that the peace which had been so honourably obtained, which had been so long maintained, and which was so essential to the commerce, the happiness, and the interests of the country, was likely to be preserved. With respect to the civil war in Spain, it was a source of deep regret to see that fine country still torn by intestine divisions, and a war so detrimental and so fatal to human life still protracted; but while they lamented that contest, which, whatever might be the issue, would affect the future destinies of Europe, they could not but be proud of, and could not but admire, the gallantry and devotion of their countrymen in that Peninsula with which so many glorious recollections were associated. Events had occurred in Portugal which rendered it necessary to increase the British force in the Tagus. The admiral, however, was there chiefly to take measures for the protection of British subjects and the security of British interests. He was also directed not to interfere in disputed questions of domestic policy; and whatever might be his own abstract opinions, he must say that he did not think England had any right, neither was it her policy, to meddle in the internal affairs of other countries. It appeared to him, that the course adopted by his Majesty's Ministers was a wise and a salutary one, and that in thus acting they had exhibited a prudent precaution. His Majesty's speech turned also on the state of Lower Canada. The state of that colony was a matter of great importance, and had naturally received the attention of the Government; but as the Report of the Commissioners would soon be laid upon their Lordships' table, it would be then unnecessary for him (the Earl of Fingall) to trespass on their Lordships' attention with any further observations upon that subject. His Majesty next adverted to the state of the law, which would claim their Lordships' most particular attention. Upon that subject he would only say, that whatever differences of opinion might exist as to the nature and extent of the reform to be applied, it was admitted on all hands, and he felt convinced, that it was absolutely necessary, that some reformation should take place, and that law should be rendered cheap and expeditious. His Majesty recommended the consideration of measures calculated to promote concord and good will, and when those questions came to be discussed, he had no doubt that concessions would be made in a manner and in a spirit which would ensure the gratitude and conciliate the feelings of those whom it was intended to relieve. It was most gratifying to be assured, that the manufactures and the commerce of the United Kingdom were in a most flourishing state, and that the revenue had not been diminished, though there had been a considerable reduction of taxation. His Majesty concluded with recommending to their Lordships' consideration measures for the amelioration of Ireland. He was happy to be able to state to their Lordships, that notwithstanding the extreme suffering and miseries of the poor, the number of agrarian outrages in that country, had been considerably diminished. He believed he might confidently refer to the reports of the police officers which would soon be laid on their Lordships' table. Outrages had occasionally occurred but he knew that they had been considerably diminished. No one could possibly deprecate more than he did the occurrence of such things; and no one was more anxious than he was to exert himself for the furtherance of anything which would prevent a recurrence of them and promote the good of the country. With regard to the question of Municipal Corporations in Ireland, he hoped that some amendments would take place in their constitution during the present Session, and that some remedy would be applied to the defects in them which were universally acknowledged to exist. The two countries were now inseparably united to each other; and the question was whether the people of Ireland should be considered entitled to the same liberties and the same privileges which were enjoyed by other portions of the empire, or whether they should be considered unworthy to possess them. They had exhibited no disinclination, no incompetency to the management of their own affairs. They said that a reform of the Corporations had taken place in England; that a reform had taken place in Scotland, which had tended to increase the industry and prosperity of the people, and it was only natural that the people of Ireland should feel deeply their degraded state, and be anxious to possess the same privileges and should expect similar results. On the difficult and important subject of tithes, for difficult and important it was universally admitted to be, he would not trouble their Lordships with any observations, the subject having already undergone so much and such frequent discussion, and having been so often alluded to in speeches from the Throne. He felt convinced, however, that the security of property and life, and the maintenance of peace and tranquillity in Ireland, mainly depended on a speedy and satisfactory settlement of the question. With respect to the question of Poor-laws, to which his Majesty had adverted in his speech, there was a mass of evidence in their Lordships' hands, exhibiting a variety and extent of human misery unequalled, and a degree of patience unexampled. As a constant resident in that country, he had had opportunities of knowing the state of destitution of the poor, and as having been, for a few months, one of the Commissioners appointed to inquire into the state of the poor, he had also an opportunity of knowing the extreme difficulty with which the question was surrounded. He felt confident that their Lordships would approach it with an earnest anxiety to relieve the distresses of the poor, and that a due caution would be used, which was necessary to avoid the evils which might arise from an ill-considered system. He believed, however, the time was come when an attempt must be made to relieve, by legal enactment, the destitution which prevailed. He might have, indeed he had, strong and decided opinions upon many subjects, but it had been his most anxious wish to avoid, especially with regard to the state of that part of the country with which he was connected, any reference to any subjects which had not been touched on in the speech from the Throne, and which might be likely to create unnecessary debate or disturb that unanimity which he thought the House ought to preserve in agreeing to an address in answer to a speech from the Throne. Before he sat down he trusted he might be allowed to express his earnest wish, his anxious hope, that this Session of Parliament would not terminate without the passing of some, at least, of those measures which had been recommended in the speech from the Throne. Ireland had been united to England, and he had no wish to see that union weakened, much less dissolved. By the act of Union they had decided that as Ireland had shared in the dangers and the glories of England, so also she should be partaker in her privileges and her liberties. England had commenced towards Ireland a course of liberal, enlightened, and generous policy, which he believed it was the wish and intention of the noble Lord at the head of his Majesty's Government should be continued. They had established civil equality in that country, and abolished religious distinctions. They had improved the moral condition of the people and augmented their power by the important blessings of education. They had increased the number of Representatives, and had extended the franchise. He felt proud on being able to thank their Lordships from that place for these advantages. They should persevere in that course. They should place the Union on a true and permanent basis, and they would see England happy, glorious, and powerful, and Ireland peaceful, prosperous, and contented. The noble Lord concluded by moving an Address which, as usual, echoed the Speech.

Lord *Suffield* rose to second the Address. The details of the Speech had been entered into so much by his noble Friend, who had just sat down, that he should content himself with aiming at a general survey. If the condition of a country was to be considered as the best test of the wisdom of its rulers, it was to that test they ought to refer. There was but little danger in affirming that, looking at England, it would be found she was never more prosperous than at present, including both individual prosperity and general welfare. It was impossible not to admit, that the policy which produced the greatest happiness of the greatest number, was the truest and best policy of a state. The industry of the people was never so universally, so beneficially employed, as within the last few years of our annals. The causes of this were many and various. The triumphs of agriculture had produced such an abundance, that the home-grower was ensured the monopoly of the market, while the low price of subsistence, and the use of machinery, had enabled England to compete in the foreign market with foreigners, and not only to compete, but to put competition almost out of the question. Another powerful auxiliary to this happy state was lately coming into play in the new Poor-laws. He had no doubt that their Lordships had glanced at the Report of the Commissioners, and had been delighted to perceive the diminution which had taken place in the poor-rates, and the spirit of order and vigilance which had saved the property, and preserved the tranquillity of the provinces. Their Lordships must have seen that the plans of management adopted, had restored the finances of parishes, had substituted employment for alms, industry and independence for pauperism, and a moral sense of propriety for a state of degradation. If their Lordships would investigate the progressive advance of commerce and manufactures, they would find it might with truth be affirmed, that it had been alike active, steady, and sound. There was no less reason for gratulation if their Lordships would look to that which was the foundation of the State itself—its revenue; notwithstanding the continued and progressive reduction of taxes, the revenue accounts still showed a surplus of two millions and a half over and above the total of the twelve months preceding. Figures proved themselves; but they, in this case, possessed also the peculiar property of showing that, with the increase of revenue, the comforts, and even the luxuries of life, were proportionably increased. He must now allude to a circumstance to which they must all look with gratification; namely, the removal of that ever-festering irritation, that cause of unceasing agitation—tithes. He was of opinion, that the commutation of tithes had been to religion the greatest of all advantages, and had done more than anything else to remove all discontent and disquietude between the pastor and his flock. The latter would no longer leave the former in disgust from pecuniary disputes, and the doctrines and discipline of the Church would have a fair chance of retaining its own followers; and should Dissenters be relieved from the payment of dues, the justice of which they conscientiously dispute, and from which he (Lord Suffield) must think they ought to be relieved, this kingdom would then inherit all that Government could perform towards the enjoyment of that greatest of all blessings, religious peace. In this cursory view, he feared it could not be denied, that he had rather depicted England and Scotland than Ireland; for, although he was rejoiced, as their Lordships also were, to hear from the noble Earl on his left, that disturbances in Ireland were diminished, and discontent, to a great extent, removed, yet, undoubtedly, they still existed, and he (Lord Suffield) could not help thinking that they arose out of a refusal to place Ireland on an equality with themselves. That was her demand, and he thought the demand a most reasonable and equitable one. See what had already happened. Let noble Lords look to the National Association, that mighty power which he hesitated not to describe as *imperium in imperio*, which, if acted upon as a precedent like the Catholic Association, on the one side, and the Orange-lodges on the other, like the Conservative associations and political unions of this country, must, should its power be established, paralyse all government, and tear the country to pieces. That National Association was mainly attributable to the denial of Municipal Reform, and of the Tithe Bill. It was a matter of most important consideration for their Lordships, whether it might not become a question of absolute necessity for the people of Ireland to resort to such a concentration of their force, not for one single object, but for their rescue from the distress into which a negligent or a corrupt administration of their affairs had plunged a great, generous, and highly-gifted people. When the danger to the State was manifest and threatening—when there was gross injustice in such combinations, they were, as in the case of the Orange Lodges, without difficulty put down; but he would ask of their Lordships where was the force—where was the machinery—where was the national sympathy to enable them to put down an Association which, if any such ever deserved the appellation, was truly entitled to be called national? That Association could only be dissolved by the most substantial exercise of justice. Turn the scale to whatever side they would, justice alone would secure the sustaining support of public opinion, which in the present height of intelligence was the only aliment on which a Government could subsist. The highest wisdom was but the instruction of the past. Let their Lordships look at Catholic Emancipation. If the stern convictions of the minds which were then at the head of affairs—if the cautious prudence of a right hon. Baronet, then the Home Secretary—if the indomitable courage of the noble Duke opposite, then at the head of the Government, bent before the disorganisation of society which Ireland threatened—if they, with all their principles or their prejudices unconverted, found it impossible to resist the national will, let their Lordships profit by the example before matters were again driven to a like extremity. It was impossible for their Lordships to stem the current of feeling and opinion. Let them see what the national will had already extorted from the reluctant portion of their Lordships' House—Catholic Emancipation, Reform, the extinction of a large portion of the Irish hierarchy, the Tithe Commutation Bill, the Municipal Reform Bill. Let them learn wisdom from experience. If the great names which he had quoted felt it to be impossible to resist in the case of Emancipation, what was that force when compared to the phalanx which was now drawn up, backed as it was by large majorities of the House of Commons, and by majorities out of the House beyond calculation? It would be a contest in which all the chances of justice, numbers, and activity would be against them. There might be differences in the views which prevailed among Reformers, but in this, all sections were agreed, that an ample debt of justice was still due to the people of Ireland. Upon the subject of a Poor-law there could be but one opinion, a Poor-law that would rescue the infirm and the aged, the orphan and the widow, must be a blessing. Could that, however, be coupled with any expedient to bring into production, by means of capital, and call into play the capabilities of that fine country,—that would be the best sort of "justice to Ireland." He was sorry to have trespassed so long on their Lordships' time, but he wished to be permitted to add a few words before he sat down. There were theorists who suggested changes in the elective franchise and its exercise, and even in the constitution of their Lordships' House. However active and vigilant the minds of the leaders, however numerous the masses on which their theories were brought to bear, he thought it might still be safely affirmed that the sound and stable body of the Reformers of the country were not prepared to risk experiments of so much doubt and hazard. The sense of the country was undoubtedly in favour of reforms, extensive reforms, but reforms however, which should be maturely considered and found practicably applicable to the Constitution. It should not, however, be concealed that the direction and regulation of that feeling mainly rested with their Lordships' House. To reconcile the disaffected, to remove discontents, and to open a prospect of increasing happiness and freedom to the people of this country, was still in their power; but should a contrary course be taken—if seduced by the pride of station and power, or misled by the prejudices of party or mistaken principles, they should oppose their *vis inertiæ* to the active force which was arrayed against them, when that force was addressed to measures which carry with them the judgment and the affections of the great body of the Reformers, their usefulness, their respect, perhaps their very existence, would be endangered. It was because he considered the policy recommended in the Speech from the Throne as being the most likely to promote the happiness of the subject that he had great pleasure in seconding the Address.

The Duke of *Wellington* said, it was not his intention, in rising, to offer any opposition to the Address which had been proposed by the noble Earl. He had seldom heard a Speech from the Throne, or listened to an Address, which he considered to be less liable to objection; and it was most probable that he should have said but a few words on this occasion, if something had not been alluded to by the noble Earl who moved the Address in an able speech (which he hoped would induce him frequently to address their Lordships), but more particularly in consequence of what had fallen from the noble Lord who seconded it, likewise in a speech which manifested considerable power. Both those noble Lords had thought it necessary to dwell at considerable length on the subject of the tranquillity of Ireland; and more particularly the noble Lord who had addressed their Lordships last had been pleased to attribute the establishment of a certain body, denominated the National Association of Ireland (to which the noble Lord stated that much of the boasted tranquillity of that country was due), to injustice perpetrated against Ireland by one of the branches of the Legislature. Now, as he had been one of those persons who approved of the line of conduct of which the noble Lord complained, he felt it necessary to defend himself and those who acted with him against the charge advanced by the noble Lord. It was a most surprising circumstance—a circumstance, he believed, unknown in this country until the present time—that it should be thought justifiable to establish in any part of his Majesty's dominions an association, the legality of which was exceedingly doubtful, and to found the justification of such a proceeding upon the proceedings of one of the Houses of Parliament. It was a most improper assumption, and one against the propriety of which he was compelled to protest. In the last Session of Parliament, his Majesty's Speech particularly noticed the tranquillity of Ireland; and at the very time that that Speech was delivered from the Throne, the Association alluded to existed in that part of the United Kingdom; and the author of its existence boasted that it was established with a view to the agitation of particular questions, and more especially of the repeal of the Union. Now, they had the opinion of a former Lord-Lieutenant on this subject; and he had told them that the agitation of those questions was, in fact, the great cause of disturbance in Ireland. And yet, in the face of this statement, the noble Lord had come down to the House that night, and told them that Ireland was in a state of comparative tranquillity. He did not call on the Government to interfere with that Association; but what he did ask was this, that they should call things by their true names. While there existed an association in the country which formed committees, which named its different agents, which raised money, and which appointed individuals to carry into execution its various decrees, he would ask, that such an institution should not be looked upon as the cause of tranquillity in the country, but that its real name should be given to it—that of a creator of disturbance and conspiracy. At the very moment when they were told that the country was in a state of tranquillity, it was notorious that there was one description of property which could not be collected—which, in fact, was all but annihilated—and the clergy could not appear to claim it without the almost certainty of being murdered. And yet, the noble Lord had, this night, thought fit to describe this state of things as a state of tranquillity. He had felt it necessary to say thus much for the purpose of defending himself and others from the imputation which had been cast on them. With respect to other parts of the Speech, he could most truly state, that when his Majesty's Government brought their measures before Parliament, he should come to the consideration of the different subjects they embraced with the sincerest desire to adopt whatever might be proposed, if it appeared to him that they were calculated to prove beneficial to the empire. He now wished to say a few words on that part of the Speech which related to the affairs of Spain. It was well known to their Lordships, that he was one of those who objected to the treaty denominated "the Quadruple Treaty." It was perfectly true that he had afterwards been instrumental in carrying it into effect; because it was his duty, in the situation in which he was placed, to carry into effect those treaties which his Majesty had entered into, whether he had originally approved of them or not. He could not, therefore, now disapprove of the due execution of the quadruple treaty by others; nor would he refuse his assent to the proposition contained in the Speech, or in the Address, that the measures which his Majesty had adopted with reference to the treaty had given satisfaction. If other propositions were made connected with the treaty, it would be their right, as it was their undoubted duty, to consider them calmly and dispassionately. Much discussion had taken place with respect to other members of this alliance, on the subject of their conduct in the execution of this treaty. Now, he must say this, that so far as he was enabled to form a judgment of the treaty (and he knew nothing more than what appeared in the treaty itself), it seemed to him that it had been executed by all the parties who had subscribed it. He perfectly recollected, that when he had the honour of serving his Majesty in the year 1834, he was called on to state whether that treaty should be carried into execution. He at that time declared what he understood was the meaning and scope of the treaty—namely, that there should be no intervention in the internal affairs of Spain. That was his sense of the treaty at that time. It continued to be his sense of the treaty at the present moment; and that, he believed, was perfectly understood by the other parties to the treaty at that period. The explanation was likewise completely satisfactory to the Spanish Government; and all parties were satisfied that no military intervention should be attempted with respect to the internal affairs of the Peninsula. He had touched on this point because he confessed that he was one of those who were of opinion that it would be extremely wrong to attempt to force on the Spaniards any species of government. Indeed, he would say, that to enforce any system of government in Spain was absolutely out of the power, not only of this country, but of any other country in the world. If such a thing were attempted, those who attempted it must take into pay, not only their own army, but the army of the country itself; and he should like to see how the Commons' House of Parliament, or the Chamber of Deputies, would treat a proposition calling on them for a vote of money for the purpose of imposing a government on Spain, or on any other country. He contended that the thing was absolutely impracticable. His Majesty's Ministers might rely on it that they had undertaken that which they never could perform; and that the sooner they placed themselves on the footing on which they ought strictly to stand with reference to the treaty of the quadruple alliance, the sooner would the object—the pacification of Spain—which they must all anxiously wish for, be accomplished. He felt the strongest objection to anything like interference with the internal affairs of the Peninsula. He objected to it not only on account of its expense, but still more so on account of the injury which it inflicted on the parties existing in that State. To his own certain knowledge, he could say, that three parties had been ruined in Spain by the intervention of his Majesty's Government at different times. Individuals had been ruined, their properties destroyed, their fortunes sacrificed, by the course which his Majesty's Government had pursued. Acting under the assurances of his Majesty's Government, those individuals adopted a certain line of conduct. The Spanish Government was obliged finally to go forward with the movement. Those persons were in consequence abandoned, their fortunes were sacrificed, and their prospects blighted for ever. This made him more adverse to such a species of interference than he should be merely on account of expense, though that also had considerable weight with him. He repeated, that he did not mean to oppose the Address; but, in taking that course, he must be understood as not bound to approve of the employment of any force beyond that which was stipulated for by the quadruple treaty, which treaty Parliament had acknowledged, and to which they all, so far, became parties.

Viscount *Melbourne* was glad that it was not the intention of noble Lords opposite to move any amendment to the Address. It was, in his opinion, of the highest importance that the Address, on the first night of the Session, should be received with general concord and unanimity; and that they should approach his Majesty with this feeling—that, whatever might be their opinions on other subjects, at least on those contained in the Speech, there was no difference of sentiment. This had long been the practice of Parliament. It prevailed in 1703 and 1704, when this country was engaged in a great and powerful contest with France. The British Parliament then declared, unanimously, that at least on the subject of that great war, and the necessity of maintaining it, they were all agreed. It was a wise and a sound practice; and it might, with great propriety, be transferred from a time of war to a time of peace, when questions of great importance and deep interest were to be discussed, which required firmness, decision, and unanimity, on the part of both Houses of Parliament. He was very well aware, that though the Speech was conceived in moderate terms, and though the Address was couched in terms equally moderate, yet that they contained some topics which would hereafter create considerable difference, and with reference to which it would be his duty to bring forward different measures in the course of the Session. He should be prepared to introduce those measures to their Lordships' notice, in the same spirit in which the noble Duke said he should be prepared to receive them, and he should consider them with an anxious desire to do what was best for the interests of the country, and the promotion of its real welfare. The noble Duke, although he had declared that he was prepared to concur in the Address, had made some observations on the remarks made by his noble Friends behind him in moving and seconding the Address, and also on the Speech with which his Majesty had been advised to close the last Session of Parliament. That speech stated, that there prevailed in Ireland an unusual, and (as the noble Duke had well expressed it) a comparative degree of tranquillity. His noble Friend behind him had declared it to be his opinion—and he supposed his noble Friend might be allowed to know something of the country to which he belonged, in which he resided, and from which he had lately come—that that country was at present in a state of great tranquillity. The noble Duke had said, there were exceptions to that tranquillity, and he perfectly admitted that the point to which the noble Duke referred, the continued resistance to tithes, formed a very important exception. He perfectly admitted that; and with respect to the subject which had called forth the observations of the noble Duke, he meant the establishment and present existence of that body, termed the National Association in Ireland, he had himself no hesitation in saying, that it was with great regret, and great concern, that he saw its existence. He readily admitted, that he did not think the grounds on which it was founded sufficient to justify its establishment; and he could not but say that there had been proceedings in that Association, as there would be in all such assemblies, of which he, for one, undoubtedly could not approve. At the same time he must observe, when the noble Duke accused that Association of threatening conspiracy and disturbance, that it was the nature of conspiracies to be secret, while the proceedings of this body were open as day, and avowed to all the world. He maintained, in opposition to the noble Duke, that there was nothing in the aspect of that Association which would have prevented Ministers, in the Speech which closed the preceding Session, or which should prevent his noble Friend behind him, on the present occasion, from asserting, that a degree of tranquillity, hitherto, unfortunately, very unusual, prevailed in Ireland. He supposed the noble Duke would admit that England had been tranquil during the vacation; but he was sure if meetings, speeches, and resolutions, were to be regarded as disturbing tranquillity, there was not now a country in Europe so much disturbed as England had been during that period. One noble Lord opposite had lifted up his voice most loudly in these disturbances; and it must be allowed, that the appearance of other noble Lords on the same side, had raised as loud a clamour, and stirred up as much agitation, as it was possible for any party to excite. On this subject he had only to say, that if it really were the case, as was so confidently alleged, that what was called re-action, and a general change in the sentiments of the nation had taken place, it would not be long before that change would be visible, and power would be transferred into the hands of those in whose favour that opinion was maintained. He should only recommend noble Lords opposite, not to be deceived by the sound of their own voices, or to take the loudness of their shouts as a proof of the increase of their numbers. The department of calculation, so important to the existence of a great party, had not been so well attended to by them as some others; and they had been always deceived in their estimate of numbers. He should advise them to be careful how they trusted to those shouts and clamours, and to be certain that this change of public opinion had really taken place before they hazarded any proceedings on it. He could assure noble Lords opposite, that he was told quite the contrary; that their calculations, according to his information, were quite erroneous; and that the numbers of their party were not at all augmented. He hoped this statement would enable them to come to a sounder and safer conclusion, on a subject which all must feel to be very important. He had no wish to say anything with regard to Ireland which could revive the disputes of last Session, but these matters were generally exaggerated at the moment, and the interval of the vacation had afforded time for a calmer consideration of these subjects, than might be given to them in the heat of adverse debates. He thought, however, he might safely say, that according to the estimates made in every quarter, with the exception stated by the noble Duke, the condition of Ireland, with respect to Agrarian disturbances, and security to life and property, was much improved. He looked forward with confidence to the continuance of the present tranquillity, and he thought they were justified in holding out that prospect to the country. The noble Duke had concluded his speech with some observations on the policy the Government had pursued with respect to Spain. The noble Duke stated, that he was originally opposed to the quadruple treaty, which the noble Duke, he was ready to admit, on coming into office, had executed with scrupulous fidelity, and in strict adherence to its spirit. He confessed he scarcely understood some parts of the noble Duke's observations, which were not very distinctly expressed. He believed no new measures had been taken in fulfilment of that treaty, which were not clearly before the world; but, undoubtedly, if any such should be taken, there would be no desire to withhold information with respect to them from that House—no disinclination to submit them to the consideration of Parliament, and to the observations which the noble Duke might think proper to make on them. With regard to the principles entertained by the noble Duke, on the impossibility of forcing a constitution on Spain, or the impropriety of interfering in its internal affairs, he perfectly coincided in them. The present Government, he contended, had acted upon those principles—they had not interfered. A revolution had, no doubt, taken place in Spain, attended with great loss of property, but it had arisen from the circumstances of the country, and was not to be ascribed, as the noble Duke seemed to suppose, to the interference of the British Government. The circumstances in which that country had been placed were more likely, as the noble Duke well knew, to produce a revolution, than any others—the circumstance of a war unsuccessfully carried on, and leading to no happy or desired result. A country was impatient under a foreign war; but it was still more impatient under the calamities attendant on civil war. The tranquillity of Spain depended on the army of the Queen, and the revolutions of that country were owing to the losses and disasters which had marked the progress of the war. He repeated, that there was every disposition on the part of Government to afford all the information they possessed regarding the State of Spain, and the policy which they had pursued towards that country; and when the noble Duke should be in possession of that information, he felt persuaded, that the noble Duke would think better of the policy pursued by his Majesty's Government than at present. No other objects, he believed, were embraced in the noble Duke's statement, and it only remained for him again to express his satisfaction that there was no difference of opinion with respect to the Address to be presented to his Majesty.

The question carried *nemine dissentiente.*

Address to be presented to his Majesty.

HOUSE OF COMMONS,

Tuesday, January 31, 1837.

Mr. LECHMERE CHARLTON.] On the House meeting, the *Speaker* said, I have received two letters, one from the Lord Chancellor, and the other from Mr. Lechmere Charlton, a Member of this House, which I think it my duty to read. The first letter is from the Lord Chancellor:—

"31st January, 1837.

"Mr. Speaker, Sir, I have the honour of making known to you, for the information of the House of Commons, that I issued my warrant on the 28th of November last for the commitment of E. L. Charlton, Esq., one of the Members of the borough of Ludlow, for a contempt of the high Court of Chancery, in writing and sending a certain letter, dated the 24th of October last, to William Brougham, Esq., one of the masters of the court, which was followed by a certain other letter, dated the 9th of November last, addressed to myself. I have thought it right to make this communication for the purpose of accounting for the absence of the hon. Member and of testifying my profound respect for your honorable House."—I have the honour to be, Sir, your most obedient servant,

"COTTENHAM."

"To the Right hon. the Speaker."

"Fendall's Hotel, Palace Yard,
31st January 1837.

"SIR — I have just reason to believe, that Mr. William Pell (who is a messenger in the Court of Chancery), and others employed by him, are determined, under the directions of the Lord Chancellor, to interrupt me in my progress to the House of Commons this day; and I humbly request, therefore, as I am thereby deterred from attending, that you will vouchsafe to extend to me your protection.

"I seek not to withdraw myself from the criminal jurisdiction of the Realm well knowing the privilege of Parliament, which is allowed in cases of public service for the Commonwealth, must not be used to the danger of the Common-wealth.

"To be protected, however, from any violence of the Crown or its Ministers, is, I apprehend, the established and undoubted privilege of a Member of Parliament. To this hour I know not of what I am accused, except from public report; but, nevertheless, I ask for no more than to be allowed, without molestation, to take my seat, that I may state what I do know of the matter to the House, and then bow with all respect to their decision, be it what it may.—I have the honour to be, Sir, your obedient humble servant,

"E. L. CHARLTON."

"To the right hon. the Speaker."

Mr. *Hume* did not know if any Gentleman intended to make any motion on this subject. He wished to have properly ascertained what were the grounds of the impediment of which Mr. Charlton complained, and when this was regularly before the House, the House would be in a condition to state its opinion. What he wished to know was, whether any Member was prepared to bring forward a motion on the subject in such a manner as would bring it fairly under consideration.

Mr. *Roebuck* remarked, that the hon. Member stated in his letter that he had been stopped on his way to the House; he wished to know in what manner the hon. Member had been stopped; for if the hon. Member had not been taken into custody on his way to the House, he could not properly be said to have been stopped.

Sir *Robert Peel* thought, that the best course the House could pursue was to have the letters printed, for the purpose of giving the House time to consider to-morrow what course they ought to adopt. It might be a question whether the Lord Chancellor's letter should not be referred to a Select Committee, which was the course adopted with respect to the last case of the kind which had occurred, namely, that of Mr. Long Wellesley Pole, who had been committed by Lord Chancellor Brougham. That case, however, was undoubtedly different from the present. He observed that the Lord Chancellor stated in his letter the fact that he had issued a warrant for Mr. Charlton's apprehension, and the probability that the issue of that warrant would prevent the hon. Member from appearing, because he stated, that the letter had been written to account for the possible absence of the hon. Member. The right hon. Baronet concluded by moving that the letters be printed.

Lord *John Russell* supposed the letter of the Lord Chancellor and the letter of Mr. Charlton would appear on the votes of the House to-morrow, in order that the subject might be properly taken into consideration. He quite agreed as to the propriety of the course proposed by the right hon. Baronet, and he would beg leave to add to the motion that the letters be printed, that they be taken into consideration to-morrow. In making that motion he begged it to be understood that he did not raise he question put forward by the hon. Member for Bath.

Motion agreed to.

ADDRESS IN ANSWER TO THE KING'S SPEECH.] The Speaker having read the Speech of the Royal Commissioners,

Mr. *Ayshford Sanford* rose for the purpose of moving the adoption of an Address to his Majesty in answer to the gracious Speech which they had just heard read. He felt the greatest difficulty in undertaking this duty, as he had for some time been suffering under severe indisposition, and even at that moment continued to feel its effects to an extent which would in a great degree incapacitate him from doing justice to the subject. He trusted, however, that the House would extend to him that forbearance and indulgence which he had seen so many times accorded to other Members under similar circumstances; and in order to merit that indulgence he would endeavour to be as brief as possible in fulfilling that duty which fell upon him of endeavouring to induce the House to agree to that Address which he should have the honour to move, and which, as such addresses usually were, was pretty much in accordance with the Speech of his Majesty. It might be a matter of great congratulation for which the country would be grateful to an over-ruling Providence, that the country had for a period of twenty-two years enjoyed the great blessing of peace. Having seen the misfortunes which had over whelmed Europe for many years by the war which desolated many countries, the people of this country now knew the great blessing which they enjoyed by having profound peace. It was also a sentiment in which every one who had heard the Speech read must agree, that every succeeding year would add to and cement those bonds which happily now existed between this and foreign countries. The people were now aware, from the increased intelligence which they possessed, that the real happiness of nations, of the great multitude of the people, was to be obtained by the blessings of peace alone. The people now, with their increased intelligence, were aware that the real happiness of the great multitude was to be obtained only by the blessings of peace. Whenever despotic monarchs or crafty ministers should wish to plunge countries into war, they would find that the people would say, that they would better consult their interests and the interests of all countries, by studying and applying their minds to the system of commerce which now pervaded the world; and sovereigns would find it impossible now to plunge any country into such wars as we had seen. But if this was a subject of general congratulation, there was in the next paragraph of the Speech a topic which must be one of regret to all those who wished well to the country to which it referred, a country with which England has been so long allied and so intimately connected. The dreadful state of Spain, plunged as it was into anarchy and confusion, must be greatly deplored. It was more particularly the subject of regret, that Spain should be plunged into such a state of anarchy and confusion considering the fine climate which it enjoyed, the productive soil which it possessed, and the natural facilities for commerce which belonged to it. Upon looking to these things, they would at once see that they proceeded from a system of despotic Government; a system which invariably led to the anarchy and confusion now complained of. To it might be added the mischiefs which resulted from religious bigotry, and from a people kept in a state of ignorance and subserviency to superstition. He trusted that a new era had arisen, and that by the effective co-operation afforded by his Majesty's forces peace would soon be established. The next subject to which the Speech directed their attention was the state of Portugal. In the case of Spain it was necessary to send to the assistance of the Queen; but in Portugal there was no departure from the principle of non-intervention, and no necessity to interfere between the contending parties, although, acting in conformity with the professions of this country in favour of the Government of Portugal, the British force was made available in case of need, to the protection of the Queen. The condition of Canada was the next topic adverted to in the Royal Speech. Until the report of the Commissioners was placed before them, it would be quite impossible to say what measure of legislation should be introduced; but he hoped that they would be such as to preserve to England those colonies which were so important to the mother country, particularly in the view of encouraging emigration. Many of these questions had been already brought forward, and they must be again introduced; and he trusted they would meet a different fate in the present Session, from what they had met with in the last A recommendation had been made by his Majesty that an alteration should be made in the law of imprisonment for debt, and one for the establishment of local courts throughout the country. He was aware that nothing could be more important than such measures, because he had had opportunity to see the distress arising from the difficulty of collecting small debts throughout the country. Creditors were unable to obtain their just demands under the present system, and some alteration should be made, either by giving a greater power to the magistrates at quarter sessions or by the introduction of local courts. He trusted that the report of the Ecclesiastical Commissioners would be carried into effect before the termination of the present Session, which would have the effect, in his opinion, of confirming one expression in his Majesty's Speech, wherein his Majesty intimates a hope "That such further measures may be introduced as may give increased stability to the Established Church, and promote concord and good will," which he was satisfied it would promote among all classes of his Majesty's subjects. Nothing would tend more to promote this object than the settlement of the question of Church-rates, and he trusted that a measure upon that subject would be speedily prepared. It must be granted that the revenues of the country had greatly increased, notwithstanding the great diminution that had taken place in taxation of late years. This was the strongest proof of the general prosperity of the country. But a further proof of the pleasing fact was given by the present state of prosperity of our commercial and manufacturing interests. He should be happy if he could draw a similarly pleasing picture of the other classes of the community, but he regretted to be obliged to say that, comparatively speaking, the agricultural interest was in a state of embarrassment. He had the honour to belong to that class, and he was bound to say that they had borne their distresses with patience; and he was happy to add that he believed that that honest and industrious class was at this moment in a fair way of improvement. It was most satisfactory to him to know that such was the case, and more particularly so when he considered the state of pressure from which they were, as he hoped, recovering. He begged at the same time to state, and he thought it only fair to those who entertained certain opinions with regard to the agricultural interest to do so, that he did not think that it was in the power of the Legislature to grant them relief, and that their prosperity, which he hoped would soon increase, could not be derived from legislative interference. This, in his opinion, was satisfactorily proved by the examinations that had taken place in the Committee of last Session, of which his hon. Friend (the Member for North Hampshire) was Chairman. His hon. Friend had stated that it was impossible for the Legislature to give relief, and he cordially concurred in the opinion, that the agricultural interest had more to expect from the absence of legislation than from legislative interference. With regard to the subjects mentioned in his Majesty's Speech connected with the sister country, knowing by whom he should have the honour of being followed, he should leave that to the hon. Member, who was more familiar with the matter. But there was one subject, which, of all others, he believed would be the greatest improvement to that country—he meant the establishment of Poor-laws in Ireland. He believed no measure would more conduce to the prosperity of that country. He hoped the Government anticipated a different conclusion to the labours of this Session than the last. A house divided against itself could not stand—still less could a constitution exist torn by dissensions and divisions. The hon. Member having again stated that he found, from the state of his health, that he was unable to do justice to the important topics embraced in the Speech, craved the indulgence of the House, and concluded by moving an Address to his Majesty, which was an echo of the Speech.

Mr. *Villiers Stuart* rose to second the motion; however difficult he might find the performance of the task, it never could be otherwise than a grateful one to urge upon that House the propriety of acknowledging its thanks to the King for the personal interest which he took in the affairs of the country, and which had that day been so conspicuously manifested in the gracious Speech which they had heard from the Throne. Looking at the many important questions that called for immediate settlement, he recognised in this early assembling of the great Council of the nation an earnest desire on the part of his Majesty to bring these questions under the consideration of his Parliament, with a view to their speedy and satisfactory adjustment. To that branch of the Legislature it must be matter of much satisfaction to receive from his Majesty the assurance he had that day given of the anxiety that existed on the part of his Allies to maintain those relations of amity which at present existed between them and ourselves, and also that the peace at present happily existing was likely to be permanent. These assurances must necessarily be satisfactory to the House of Commons, because, whilst they proved that his Majesty looked to peace for the continuance of the national prosperity at home, the anxiety of his Allies to maintain their amicable relations with this country was a further proof that that peace had not been obtained at a sacrifice of honour or breach of compact. In the general peace of Europe there was unfortunately one exception—Spain. He felt confident that that House would respond to the feelings that his Majesty had expressed upon that subject, and would hail with sincere joy the conclusion of that civil warfare which was ravaging the finest provinces of the Peninsula. For his own part, he hoped that out of the temporary evils under which Spain was at present suffering much permanent good would arise, and that in the end the liberties of her people would be cemented on as secure and firm a basis as our own. Upon that part of his Majesty's Speech which related to commercial affairs it was not his intention to dwell, because he felt that there were many hon. Gentlemen present who could appreciate the sentiments expressed upon that subject much better than he could. Though there were undoubtedly many other topics contained in the Speech to which he might call the attention of the House, he should confine himself exclusively to those which related particularly to the affairs of that country with which he was connected. If he had been gifted with eloquence, it was a topic on which he could have spoken for hours; but not being so, he would only express his hope that now the great Council of the nation was assembled it would adopt a conciliatory policy towards that country, and keep in view that great and first principle upon which they should act, that the prosperity of the United Kingdom must depend upon the prosperity of all its parts. To make an exception to the general policy of the kingdom against one of its parts was, in his opinion, one of the worst things that could possibly be done. If the union were to be a source of strength, it must be one in reality. In the minds of the people of both countries there must be a conviction of a common interest. Until a conviction of that kind were felt there could be no real union. It was for them in their legislative capacity to bring home to the minds of the people of the three countries that they had an interest in being united, and that a complete and binding union between them was necessary to entitle them to the enjoyment of the same rights. To assist them in the execution of that duty his Majesty had that day called their attention to certain measures requiring their most serious consideration. One of these—one to which he confessed he looked with peculiar satisfaction—was the introduction of a system of Poor-laws into Ireland. He had always considered a measure of that description necessary, and he now hailed the prospect of its being carried with the utmost satisfaction, because, although he did not look to it as a panacea for all the evils of Ireland—amongst which the general want of employment was perhaps one of the most prominent—yet he could not help thinking that the introduction of a well-organised system of Poor-laws would remove or mitigate many of the severest hardships under which the great mass of the population were now suffering. The discussion of the subject would be attended with this additional benefit, that it would direct the attention of the Legislature to the necessity of giving employment, either by the establishment of public works or otherwise, to the poor of Ireland. In that part of his Majesty's Speech which called the attention of Parliament to the corporate institutions of Ireland he recognised an earnest desire on the part of the King to confer on his Irish subjects—not less loyal, not less faithful, than those of England—the same rights and liberties as were enjoyed in this country. Ireland, indeed, amidst all her misfortunes—amidst all the obloquy often heaped upon her name—had this source of satisfaction, that his Majesty had never shown any want of confidence in his Irish subjects. Notwithstanding all that had been urged by a particular party in that country, who claimed to themselves a peculiar loyalty, he (Mr. Villiers Stuart) could not detect in the Speech they had that day heard from the Throne any want of confidence on the part of his Majesty in the great mass of his Irish subjects. Who, then, would venture to stand between a confiding Sovereign and the affections of a generous people? True loyalty was uninfluenced by any selfish feeling, and whatever the treatment of his Majesty's Irish subjects might be, it would be a difficult matter to estrange their affections from their Sovereign. The best means, however, of avoiding any estrangement would be the adoption of a policy which would give them the entire confidence of their English fellow-subjects. If that line of policy were adopted Ireland would indeed become happy, and England powerful. If not, he would say indeed farewell, a long farewell, to all their hopes of tranquillity and prosperity. If such a policy were adopted, he saw before him a gradual improvement in her affairs, instead of that feverish excitement which had occupied the inhabitants of that country upon political subjects, and which had rendered Ireland a scene of agitation from end to end, and which had left the mind of every man smarting under the sense of insult and degradation which had been heaped upon them. That moment might be delayed, but it could not be averted: he was quite satisfied that it would speedily arrive. So long as it was delayed, so long would the tranquillity be delayed, so long would her prosperity be delayed, and so long would the power of England be paralysed. For centuries England had treated Ireland like a conquered country; gradually she had relaxed that system, and raised Ireland in point of law to an equality with herself; and he would now ask, would they venture to keep her in a state of degradation in point of practice? He was satisfied that they could not: the moment that the Emancipation Bill was passed they had raised up another nation to an equality with themselves, and that nation was determined to maintain her position. If there were a party still existing in that country who were not satisfied with a fair share of power, but were determined to recur to the old state of things and the old system of ascendancy, he (Mr. Villiers Stuart) would pray his Majesty's Ministers not to be led away by their views, and not to let their policy be their guide in legislating for that country. As an Irishman, deeply interested in her prosperity, and having a deep stake in the country with which he was connected, and by which he must rise or fall, he would entreat them not to be led away by the policy of that party, and not to deprive his poor unhappy country of her fair share of the privileges which other portions of the empire enjoyed. Whatever line of policy might be adopted, much gratitude was, in his opinion, due to his Majesty for the gracious manner in which he had called the attention of Parliament to the state of Ireland; and he felt that in seconding the motion that an humble Address be presented to his Majesty, he was but fulfilling his duty as one of the Representatives for that country.

The Address having been read,

Mr. *Roebuck* said, that as a silent vote upon the Address might be construed into a general approbation of the conduct and principles of his Majesty's Ministers, he wished to save himself from that misconstruction by stating what were the pressing circumstances that compelled him to give them a very guarded and jealous support, and by explaining why it was that he felt compelled, differing from them as he did on many important questions, nevertheless, to give them, in conjunction with other Gentlemen who sat on that side of the House, such a degree of support as should be sufficient to maintain them in their places, although he did not approve either of their general policy or of the principles upon which their Government was conducted. In doing this, it would be necessary for him to speak in no eulogistic manner of either of the two parties who were endeavouring to gain the ascendant in the country; but it would not become him to shrink from the task which his situation imposed upon him, and in the performance of it he should endeavour not to speak with unnecessary asperity of any party. He would, therefore, with the permission of the House, endeavour shortly to state what he believed to be the exact position of political parties at that moment, and to bring into broad relief the situation of one particular section, namely, the democratic section, to which he belonged. In doing this, he should recommend a policy to the democratic party in that House, which a few timid men might disregard, which the dishonest certainly would not adopt, but which, to those who had judgment to decide what was proper, and courage to follow what their judgment approved—who demanded a frank, fair, open, and uncompromising policy, to those he imagined it would be welcome. It appeared that at the present time there was going on in this country, and not only in this country, but in the world at large, a fearful struggle between two great principles of government, that which endeavoured to make the many dominant, and the other which endeavoured to maintain the domination of the few. In that House those two principles were very unequally represented. The Tory, or aristocratic, party who were ranged in hostile but honest array against the opinions of the democratic party, formed, unfortunately, as he believed, for the general interests and welfare of the country, a very large majority in that House. On the other hand, the party who represented the democracy were, unfortunately, in a small and, to use a phrase that was not disagreeable to the other side of the House, a miserable minority. But though they were thus in numbers weak, yet, being supported by the people at large out of doors, for such was his opinion—hon. Gentlemen might refute him afterwards if they could—supported, as he believed they were, by the mass of the people out of doors, it was not easy for their adversaries to cope with them, nor could they easily be put down as long as they had judgment to understand their position and courage to take advantage of it. Not being enabled distinctly and openly to oppose the democracy, the Tory, or aristocratic party, wise in its generation, deputed its power to a certain go-between party, offsets of the aristocracy, namely, the Whigs. In 1830, the two great principles, of which he had been speaking, came into distinct and hostile array against one another. At that time, it was clearly demonstrated to the people of England, that England was not a monarchy, as was supposed in ancient times, but that ever since the revolution of 1688, she had been nothing more nor less than an aristocratic republic. Once convinced of this fact, the people of England determined no longer to suffer the domination of the aristocracy, and at that time, had the aristocracy dared to continue their opposition to the just demands of the nation, they would have found themselves swept away before the current of popular opinion. In this state of things the Whig party, headed by Earl Grey, offered themselves as mediators between the people and the aristocracy, and by their mediation, the aristocratic party was saved from the destruction with which it was threatened. They proposed and carried the Reform Bill; and although the democrats were glad to receive that Bill at their hands, they were by no means convinced that it was all the people ought to desire. They took it as an instalment of justice—as a means of obtaining more, determined on the very first possible opportunity to make it a stepping stone to further great improvements. As soon as the Reform Bill was passed, a large portion of the Whigs, with Lord Grey at the head, and the noble Lord opposite (Stanley), no very humble partisan, deserted these principles, and stuck to aristocratic government. They wished to stand still, and talked of the finality of the Reform Bill, but it was found that the people of England would not permit that, and then they threw themselves headlong into the aristocratic faction. At this time, it happened that Lord Melbourne began his career as a fresh mediator between the people and the aristocracy. He had a small section of the Whigs with him, and then it was that the democratic section in that House had to determine whether they would make that alliance with the Whig Government which was offered to them. It so happened that the dispute then existing between the people and the aristocracy was a very different one from that which took place upon the Reform Bill. The people believed, although that belief was now fast dwindling away, that the Reform Bill had introduced so many Liberal Members that the will of the community would be made predominant in that House. Under these circumstances, the Representatives of the democratic party were obliged to take into consideration the feelings of the people, and, accordingly, they determined to range themselves beneath the banner of Lord Melbourne, under the general name of Reformers. Of those who thus ranged themselves under Lord Melbourne's banner, there was a party—and he fancied, a pretty strong one, who believed that the Ministry were not sincere; who believed that the Whigs merely came forward for the purpose of saving as much as they could of the aristocracy, and of retaining for themselves, through the medium of a temporary popularity, as much of the proceeds of Government as they were able. That, at all events, was the opinion of one small party. There was another and still smaller party, who said, that the Whigs, they believed, were sincere and ardent patriots. But the larger section were those who said, "We believe with you," addressing themselves to the first section, "that there is not much sincerity amongst the Whigs; but, taking them as a whole, they are better than the Tories, and we can get more out of them." In this manner, acting upon a special understanding of their own peculiar interests; acting upon the belief, that having some influence—some power over the peculiar notions of the Whig party, they should be able to get from them, and for the people, a larger measure of reform; and acting in accordance with the general wish of the people, as at that time expressed, they (the democratic party) did range themselves under the banner of Lord Melbourne. But let the House remember what was their justification in so doing. It was this: that the Whigs then as now made use of large and vague generalities respecting reform; they made no specific declarations, but they promised largely; and, as an indication of their determination to push reform to the utmost, they employed the word to distinguish themselves. They did not call themselves Democrats; they did not call themselves Radicals; they did not call themselves Whigs; they were Reformers; they adopted the name of Reformers, and promised to deserve it. The term "Reformer" might mean anything. He conceived, indeed, after the displays of this very year, little of it as had yet elapsed, that it would almost include the whole of the Tory party. Reformers! why they were all Reformers now-a-days; the hon. Gentlemen opposite were Reformers; they were Reformers, at least, just so far as their own private and personal interest compelled them to be; and that was just the understanding of the term as applied to the large body of reforming Whigs. It was for their interest specially, as persons participating in, or rather, he should say, possessing wholly, the power of Government, which was put into their hands, in consequence of their alliance with the Radicals, to palm themselves upon the public as Reformers; and it was entirely in consequence of the feeling that they could retain a great deal of benefit for themselves, that they called themselves Reformers. When they called themselves Reformers, what did they mean in the ears of the people? It was found, that they agreed with the Radicals in two things—they loved Reformers and hated the Tories. Now it was believed, that the men who hated the Tories, hated also aristocratic domination, irresponsible dominion, bad laws, and everything that could give to that House an improper power, for the benefit of the few against the interest of the many; and it was further believed, that the Whigs coming in under the broad banner of Reform, declaring themselves to be Reformers, were determined to put down all irresponsible power, whether in the hands of themselves or of their enemies. Now I may here openly, calmly, well knowing the consequence of what I am saying, not being hurried, not being confused, but thoroughly aware of what I am doing—I say the Whigs have deceived the people. I say, that whilst their words have been many, their works have been few, and that whilst they promised to be Reformers, they have turned out to be no better than the Tories.

Why did he say this? For this reason, that the Whigs wished to maintain a majority in that House. And how did they maintain that majority? Was it by giving laws which enabled the people easily to act according to the dictates of their consciences? No, they did no such thing; they kept the country in a state bordering upon revolution, for the purpose of maintaining themselves in power, compelling a certain number of persons to act in direct opposition to their own private interests at the voting places, at the same time teaching them to believe, that they were going to remove all the grievances of which they had so much reason to complain; and, above all, assuring them that they would prevent for the future the infliction of all those penalties which their landlords or others about them might impose if they ventured to oppose their interests when they came to the poll. He maintained, that this was an exceedingly ungenerous proceeding. The Whigs at this moment were in power solely by the excitement which they managed to keep up in the public mind. Under the Government of the Whigs, the country was obliged to be kept continually on the border of a revolution, in order to prevent an irruption of the Tories. It was well known that this was a part of the system, and that it was practised daily. To amuse the popular mind, they were making reform clubs and associations to look after the registration of votes. They were doing every thing but the right thing—every thing but doing away with the rate-paying clause of the Reform Bill, and giving the people the ballot. The Whigs would never consent to the vote by ballot. And why would they not? Did they expect that, for the purpose of carrying on a Government, the people were to be kept in a state of constant and perpetual excitement? Did they believe, as statesmen, as persons wishing well to their country, that that was a healthful or proper state for society to be plunged into. Or did they imagine that the excitement which they were enabled to create for a time could be continued for ever? They knew that it would not. They knew that at that very moment the people and the friends of the people were fighting foot to foot, and hand to hand with the aristocratic domination, and the Whigs were calling upon the people daily to make great, nay, he would say, fearful, sacrifices for the purpose of maintaining them in power, whilst, at the same time, they refused to give them the means of putting down that troop of direful enemies whom they call upon hourly to combat. If they believed that there would be evil to England in the return of the Tories to power—if they believed that Ireland would suffer from such an event—let them come boldly forward and give the people fairly and honestly the means of expressing their opinions. Let them become real Reformers, and there would be no danger from the Tories. This was his charge against the members of the present Government: that by their machinations—by their imperfect and unsatisfactory mode of their proceeding, preventing the due advance and amelioration of the institutions of the country—they had kept the nation *in statu quo;* and that, consequently, the sooner they were put out of the position they at present occupied, the better it would be for all classes. But it might be said, that this was a charge wholly without foundation; and it might be said by the Gentlemen from Ireland, particularly by the hon. and learned Member for Kilkenny, "You know nothing of Ireland—nothing of what the administration has done for Ireland." Now that was just the question that he wished to put. He wanted to know what the Government had done for Ireland. He was not about to say anything against the administration of Lord Mulgrave. He believed, that if anybody were called upon to point out a redeeming part of the conduct of the present Administration, it would be found in the conduct of Lord Mulgrave, for in Ireland it so happened that an honest governor was a species of miracle. Such a miracle had occurred in the 19th century, when Lord Mulgrave became Viceroy of Ireland. Lord Mulgrave, however, was but a lucky accident—he might be removed to-morrow by death, by a freak of fortune, by the whim of a disordered imagination, by a thousand chances; and then what was there for Ireland? Had there been any change in the laws or the institutions of that country which could secure to her peace and tranquillity? No; there had been no such thing. And why not? Because the sole means of accomplishing these ends was to be found in a change of the law; and a change of the law could only be effected either by controlling the opinion of the Lords, by an actual alteration in the formation of that

House, or by so imposing upon them by a majority of the House of Commons, that they should not dare to resist its demands. How was it that they resisted the demands of the House of Commons last year? Because the majority of the House of Commons was so small as to carry with it little or no weight in the other branch of the Legislature. But if there were a large majority in the House of Commons, did anybody believe that the Lords would long continue their resistance to a measure of corporate reform for Ireland? If there were a majority of 200 in the House of Commons, was it likely that the Irish Corporation Bill of last year would have been defeated in the Lords? What had Ministers done to secure a majority in that House, or to alter the composition of the other? Nothing; and whilst the House of Lords remained unreformed, and no protection was given to electors, so as to enable them to give honest and conscientious votes in the election of Members to serve in the House of Commons, no Government could pretend to the name of friends to Ireland. Whilst upon the subject of Ireland he might be allowed to remark, that Gentlemen from that country sometimes talked of the English Radicals as enemies to Ireland. It seemed to him that the evils of Ireland were of two different and distinct kinds: first, the evils falling on the Catholic gentry, moral evils, evils placing them in an inferior position in society; and, second, the evils falling on the peasantry—physical evils, placing them in a state of wretchedness and misery. Now he maintained that the Catholic gentry were using the second class of evils, as a lever to get rid of the first; that they were using the physical misery of the peasantry, as a means to get rid of their own social degradation. He, for one, was an enemy to the idea of placing one body of citizens in an inferior position on account of any difference of creed; and he therefore sympathised with the Irish Catholic gentry. He believed, that their condition was an unfair and an unholy one, and he would do every thing in his power to get rid of the evils under which they suffered; but he was not one of those who would use the miseries of the people as a means to get rid of any such evils as those. If he were to point out a case in which the Catholic gentry of Ireland had employed the misery of the people as a means to get rid of their own peculiar evils, he should point to the feeling which they had created upon the subject of tithes. The tithe of Ireland was sure to fall upon the poor peasantry, and they had pathetic narrations and declamations without end, of how the potatoes of the peasant were taken from him by the Protestant parson. But the persons who gave the House these horrible descriptions—who painted these harrowing pictures from their own vivid imagination—never mentioned the fact, that there was a class of persons in Ireland called landlords, who exacted from the tenant for rent all that remained of the produce of the land beyond what was necessary for the immediate means of sustenance, and that, consequently, if tithes were done away with to-morrow, the condition of the Irish peasant would remain the same. And into whose pocket would the tithes be put? Into the pocket of the Irish landlord. And he was one who, believing that tithes were public property, would never consent to confiscate them to any private purse. He believed that tithes in Ireland were public property, to be employed for public purposes, a sacred property belonging to the people, and not to be given up to any landlord, whether Protestant or Catholic. If the tithes were to be paid to the landlord instead of to the parson, it was worse than criminal (he might use a much stronger phrase) for the landlords to hound on the poor peasant to resist the tithe-proctor, and to bring himself within the lash of the law. It was said that the tithes were paid by the Irish landlord; but the peasant was the medium of payment: but the landlord took away the means of paying, in order to bend him to his own immediate purpose, that purpose being to raise the whole Catholic peasantry, to put down what they believe to be an unholy impost, and which they were taught to consider as pressing peculiarly upon themselves, not knowing that in their violent resistance, of which all the consequences fell upon themselves, they were fighting the cause of their landlords, and of no one else. Seeing these things done, would anybody tell him that he ought to be silent upon Irish matters, or that he should not express to the House what were the opinions of the real friends of Ireland in England? He would tell those parties, whomsoever they might be, that the real friends of Ireland demanded to see something like an adequate provision made for the support of the Irish poor; and that if the tithes of Ireland were given up, it should be upon the distinct understanding, that the poor-rates should come out of the very same pockets into which the tithes were put. He (Mr. Roebuck) said, combine two good things; if you abolish tithes, establish poor-laws; but, under all and any circumstances, provide for the poor, and obtain justice for all classes. This was what the English Radicals demanded for Ireland. He knew not whether for making these demands they might be nicknamed or not—that, of course, would depend upon the taste or pleasure of those who thought differently from them; but of this he was convinced, that the thinking, well-conducted, and honest people of England well knew how to distinguish between him who made the misery of the people a fulcrum for his own private purposes, and him who, thoroughly carrying out the principles he had laid down from one country to the other, demanded equal justice for England and Ireland, a responsible Government for both, and equal laws for all. These were the views and wishes of the English Radicals with respect to Ireland. As to the measures of the present Ministry, he believed that the Irish would have got as much of good from the most fierce and Tory administration that ever existed; and, indeed, the same observation might apply to all the relations of the kingdom. If he looked abroad—if he cast his eye for a moment on the foreign relations of the country—did he find anything there for congratulation to England? Did he not find interference at once undignified and useless in Spain? Did he not find an interference that was worse than useless —that was positively mischievous—in Portugal—an interference to put down that which these Whig Ministers pretended to advance, namely, liberal opinions. If he quitted Europe, and looked to the colonies, was there anything there to raise the reputation of the Ministry? The usual way in which the Whigs were described in all the colonies was, they were just the same as the Tories. At home, it was true, they had been compelled to do something in obedience to the public will; but it unfortunately happened that public control did not extend to the colonies, and they, therefore, had been as grossly neglected under the government of the Whigs as they had ever been under the worst administration of the Tories. When the present Ministry came into power they were popular. They rode in on the backs of the people, in spite of an adverse court, and in spite of a strong minority in that House. But now, their popularity was gone, and they were daily losing ground. They were not losing ground for any other reason than that they were too much like the hon. Gentlemen opposite who cheered. They lost ground because they were like the Tories; because they did nothing for good government. The only means by which the Ministers could maintain themselves against the large party arrayed in front of them, was, by establishing for Ireland a good Poor-law system, by altering the whole system of the administration of the law; by instituting equal laws for all parts of the empire; by giving no fostering care to the Irish Church; by causing the votes at elections to be taken by ballot; and by repealing the rate-paying clauses of the Reform Bill. Having done all this at home, let them turn their attention to the colonies, and govern them in the same spirit of justice. Nothing having been done by the Whigs to give the people responsible government, it now behoved the Radicals to consider what course they ought to pursue. The first and foremost thing which in his opinion, they ought to do, as soon as it became manifest that the Whigs would not redeem the pledge they made on coming into power, was to separate from that party, to force the Whigs into the ranks of the Tories, and to compel them to form a distinct alliance with the Gentlemen opposite. The people would then know by whom they were really represented in that House; and would perceive that their advocates were in a minority there, and must remain so until the electors received due protection in the exercise of their franchise. The Radicals were asked, if, by the course of policy of which he was the advocate, it was their intention to drive the Whigs into the arms of the Tories? Now, mark the morality of these interrogations. The Radicals were told, "if you attempt to carry out your own principles, if you think of acting conscientiously, the moment you do anything by which you make it manifest that you have the good of the country at heart, the Whigs will no longer hold up the standard of reform, but will range themselves on the opposite side." Now, only conceive the morality of this course.

Perhaps the Radicals might appear to the Whigs to be strongly prejudiced, to be wrong-headed, impracticable persons, but would it not be better to yield a little to them rather than throw themselves into the arms of the Tories? To place them in office was what the Radicals did for the Whigs, and why should not the Whigs do something for the Radicals? If the Whigs really believed that their retirement from office would lead to such mischief as they described, namely, the irruption—for that was the word always employed—of the Tories into power, why did they not do something to please the Radicals? They had never made any pretensions to office; they had never asked anything for themselves; their objects were well understood; the Radicals looked to the interests of the people, and the Whigs considered their own. The Radical party in that House were determined to promote the interests of the people, and to follow their own course. He spoke for himself only, and did not pretend to speak the sentiments of any Gentleman behind him, but, so far as he was concerned, he was determined to pursue a just and independent course. He was not to be cajoled by fair promises, but he should look to the acts of his Majesty's Ministers, and unless these were intrinsically good, he would not give them his support. In all their good measures he was willing to support them, but he could not give his support to the principle of the Irish Church Bill, because he believed that tithes were not dealt with in that measure in the only manner which would lead to a final settlement of the question. The Church of Ireland must be put down entirely, and the tithes must be considered public property. The Irish Church was a nuisance which must be pulled down and abated at once, and the golden temple must be pulled down by the democratic party in the State, for it never would be by his Majesty's Ministers; and till it was laid low there would be no peace for Ireland. He should pursue the course which he had prescribed for himself, careless whether his Majesty's Minis-were put out of office to-morrow, and an irruption of Tories into power was the consequence, because he knew very well that if this course were generally adopted, it would be the means of obtaining justice for England, justice for Ireland, and justice for the colonies and the empire.

Mr. *Beaumont* said, that though unprepared to speak, he had no reluctance to rise in reply to the hon. Member for Bath before he should propose an amendment to the Address. He essentially differed with that hon. Member when he assumed that the Radicals in that House were the sole representatives of the people. He did not differ much from the hon. Member in regard to the fact when he said that the Whigs had lost much of their popularity; but he did differ from him entirely when he attributed the cause of it to their disinclination to a closer coalition with the Radicals. He believed that the contrary was the case; and he therefore thought that the diminution in their popularity arose from their greater approximation to the Radicals in latter times. The Radicals required organic changes; but he (Mr. Beaumont) was disposed to resist any further measures of that nature for England. There had been quite enough of them for the benefit of that country; and it was his belief that Parliament should now apply itself solely to real Reforms, and the work of practical legislation. It was on this ground and for these reasons, that he intended to propose an amendment on that part of the Address which related to the improvement of Ireland. He did so, after having duly considered all the modes in which that country could be most essentially benefitted. The object of his amendment was for the equalisation of the two religions which prevailed in that country, and to place the inhabitants of both countries in a state of entire equality with regard to religious opinions. Before Poor-laws could be introduced with any prospect of benefit to Ireland the religious dissentions which now distracted that country should be healed by equality of legislation. He would never consent to the establishment of the voluntary principle, because it was his opinion that Protestants should have the arrangement of the affairs of their own Church, as well as the Catholics. He should propose his amendment *pro forma* only, as he perceived that the House seemed disposed rather to treat the question of Irish tithes generally at some future period than to entertain it partially then. Whenever the Government proposed a measure on the subject of tithes in Ireland he should be prepared to state his reasons for opposing all attempts at an adjustment of them, and to prove to the House that the only safe way of pacifying that country was to abolish them altogether. Not, he would add, to fill the pockets of the landlord, but to apply them to the purposes of the poor. The hon. Member concluded by reading his amendment. It was to the effect—"That no measures which should be introduced for the tranquillity of Ireland could be effectual to that end unless they were accompanied by measures which had for their tendency the abolition of all religious distinctions in that country."

This amendment was withdrawn, at the desire of the House.

Mr. *James* was not of opinion with the hon. Member for Bath that the Whigs were worse than the Tories. The hon. Member said, that the Whigs would not give us the ballot, and therefore that they were worse than the Tories. But he should like to know whether the Tories would give the voter the protection of the ballot? The fact was, that the Whigs were placed in very great difficulties during the last Session of Parliament, and not the least of those difficulties arose from the obstinacy of men who ought to have been among their warmest supporters. He did not, with reference to the notice of motion given by the hon. Baronet, the Member for East Cornwall, believe that there was any wish for an organic change by the people of England, which would lead to the destruction of the other House of Parliament, and for his part he entertained no such wish; but it was his desire to reform that body by modifying their hereditary privileges. The Lords ought to be elected by, and be responsible to, at least some portion of the people, for good legislation was most likely to be ensured when they who had the making of laws were aware that they would have to render an account to others of what they had done. He believed that there existed a desire on the part of the people of this country to secure a system by which laws might be well, fairly, and impartially considered before they were made, and that measures might not be disposed of, not with a reference to their own merits, but under the influence of a paltry and petty spite against the hon. and learned Member for Kilkenny. He did not believe that the people of this country wished to deprive the House of Lords of their honours or their titles, their stars or their garters. But if they would not legislate wisely, they would endeavour to break their power. The Lords might as well give way to the moral influence of the people, or they might rely upon it the people would compel them at no distant period to reform their House. It was impossible that both Houses of Parliament should remain opposed to each other much longer; one of them must give way. The House of Commons had been reformed, and why not the House of Lords? They might say it would be destroying the Constitution; but the same argument would have applied against the transfer of the elective franchise from East Retford to Birmingham or Manchester. What was the object of the constitution but to promote and secure for the country good government? He knew it had been said that the House of Lords was incurable and incorrigible; but for his own part, he gave them credit for sufficient good sense to suppose that they would be ready to act in harmony with the House of Commons this Session. He hoped they would learn before it was too late; but if they were incapable of receiving instruction—if they would shut their eyes to what was passing around them—if they stood upon their own rights rather than the wishes and wants of the people, the downfall of their order would be the natural consequence. If so humble an individual as himself might presume to give their high mightinesses a word of advice, he would call on them, before it was too late, and urge upon them the necessity of keeping pace with the growing spirit of improvement, and of conceding such measures of reform as, in his humble judgment, it was no longer prudent or safe to oppose.

Mr. *Curteis,* as an independent supporter of his Majesty's Government, begged particularly to remark, that the speech of the hon. Member for Bath did not receive a single cheer from any person in the House when he made his attack upon the Government. He wished that fact to be proclaimed abroad, that the nation might know that the sentiments of that House were not in accordance with the opinions expressed by the hon. Member for Bath, any more than those opinions were in unison with the sentiments entertained by the nation at large. He was bound to say, and he said it boldly, because he did not seek a favour from that or from any Government, that he considered himself and the nation at large under very great obligations to his Majesty's present Government. He should not have intruded himself upon the attention of the House if he had not thought that the Ministers had been most unjustly treated. The hon. Member for Bath seemed to imagine that the happiness of the country depended upon the concession or the refusal of the ballot. Now, he believed that the majority of the nation was not at this moment prepared to support the vote by ballot, and in the county which he had the honour to represent the great majority was certainly opposed to the ballot. He had himself said on the hustings, that if he conceived that the majority of his constituents approved of the vote by ballot, he would give the measure his support, but he was quite sure that they preferred an open system of voting. He must bear testimony on this occasion to the very great benefits which the country had received from a Whig Administration, and he would tell the hon. Member for Bath, that if many persons followed his example, the only result would be to drive the Whigs, not perhaps into a junction with the Tories, but from the position which they held in his Majesty's councils. In his opinion the hon. Member for Bath had made a most mischievous speech, and he believed that the great body of Reformers in this country responded to what he was then saying, rather than to the sentiments expressed to night by the hon. Member. He would tell that hon. Gentleman, that if he had his choice between him as his political leader and the right hon. Baronet opposite, he should have no hesitation in following the right hon. Baronet. At the same time he felt it his duty to declare, that his Majesty's Ministers, who sat on that side of the House, had his entire confidence, and he was prepared to sacrifice his own theoretical opinions in favour of those propounded by the noble Lord who was the leader of the Ministerial side of the House. He considered that the admission of the Tories to power at this time would be a national calamity. Let the Radicals take a lesson from that venerable reformer whom he had in his eye. (Mr. Hume.) That hon. Member strenuously exhorted all Reformers to stand united together, and he begged to impress that advice upon the Members of that House. He did, in his conscience, believe that the present Government enjoyed very considerable popularity; and if they had lost any, the Gentlemen opposite could not gain it in an equal degree, because they would not go so far as even the present Government had done.

Mr. *Gisborne* merely rose for the purpose of stating that there was a single passage in his Majesty's Speech which had occasioned him considerable distrust—it was that relating to Joint-stock Banks. He must say, that he thought this a small matter on which a recommendation should be delivered from the Throne, and if it were not impertinent in him to form conjectures as to the authors of the different paragraphs, he should be inclined to attribute the passage in question to the pen of his right hon. Friend, the President of the Board of Trade. For a free trade philosopher his right hon. Friend was the greatest regulator he ever knew. He first tried to regulate railways, but they proved too strong for him. Now he tried to regulate Joint-stock Banks. He could not allow this paragraph in the Speech to pass without stating his opinion that it wore a suspicious aspect. He did not think that any persons could be told with advantage how they were to conduct their banking business. He never knew any case in which regulations of this description did not injure the parties whom they professed to protect. He had no intention of moving an amendment, but he distrusted the expressions employed, and he should watch with the utmost wariness any measures which might be introduced in reference to the subject.

Mr. *Hume* said he would endeavour to bring back the House to the question really before it, the Address in reply to the speech from the throne. In the speech of the hon. Member for Bath, there was much which was true. The hon. Member was very sanguine in his views, in all of which he (Mr. H.) could not go along with him, though he agreed with him on several points. It was the duty of the House, however, to look at the speech, and to agree to the address, either entirely, in part, or not at all. Some persons said they could draw no distinction between the Whigs and the Tories; he, however, could draw a very great one, and for the very best reason—that many reforms which, after many years of struggling, had been refused by the Tories they had got from the Whigs. He agreed that they had not got all they could desire, but they had obtained much, and he would therefore press the present Ministers forward, to use a common but strong expression, he would pat them on the back and urge them on. He believed, that he spoke the sentiments of a very large body of the people. The only question was, what those who wished to witness the progress of the Reform Bill ought to do to obtain their object. The right hon. Baronet opposite (Sir R. Peel) had too much honesty not to acknowledge that the Reform Bill was calculated to be beneficial to the country, and even he could not refuse to the people those measures which were calculated to carry it into effect. He was as anxious as any man that the reform party should keep united. The right hon. Baronet had been disappointed on former occasions, for the reformers had kept united as one man, and it was not to be supposed that they would now separate, for by separation they would lose all, and by keeping together they would gain, at least, something. This was his firm opinion. He looked, as a venerable Reformer, to the practical means of obtaining the most he could for the interest of the public. He was persuaded, that although his hon. Friend, the Member for Bath, had the same objects in view, the way he pointed out was not the best to attain them. His hon. and learned Friend (Mr. Roebuck) undoubtedly went far beyond the country in his opinions. "With regard to the ballot, he (Mr. Hume) believed that a very great majority of the people of the country were in favour of it; and every day's experience added to the proofs already in existence, that under the present system of voting there was no protection in the exercise of the elective franchise." He anticipated, therefore, a minority in favour of this measure when next it should be brought forward by the hon. Member for London. In his opinion Ministers had been too backward; while Government, on the other hand, said, that he and many of his friends were too much inclined to press forwards. The general opinion, however, he thought was, that Government ought to have done more. With respect to his Majesty's speech, he wished that many expressions in it had been omitted. As mention was made of a surplus revenue, he thought the means ought to have been pointed out by which that surplus might have been applied to lessen taxation. There were many taxes so enormous and so troublesome, in the collection, that it was become absolutely necessary they should be reduced. Another part of the speech in which he could not agree, was that which related to Portugal; it seemed to convey a recognition of the principle that this country had a right to send out a fleet, and make the people adopt what measures we chose. Let the noble Lord take warning as to his course on this point from the *History of India* of his (Mr. Hume's) late friend, James Mill, where the noble Lord would find, and he could confirm the statement by his own knowledge, that the very worst native governments of India were those which were upheld by British power, and in which the chief was removed from the fear of popular resistance to bad laws by the presence of an overwhelming force. An illustration of this had been witnessed in Lisbon, and he only put the question, why should not England treat Portugal as an entirely independent state. He would express his dissent from the principle upon which England interfered in the affairs of Portugal. At the same time he was anxious to see a representative government well established in Portugal and Spain, and he was friendly to the giving of every assistance to the establishing of this object: but if the people of those countries were determined to take another course, it was not wise or just that England should interfere, and it was contrary to all true policy to pursue such a course. Against all parts of the speech that alluded to this subject he entered his protest. There was another important point to which he wished to call the attention of the House, he alluded to the Dissenters, and he need scarcely say, that there was not one word of the speech which held out to the Dissenters any hope of their being relieved from the inequalities of the law under which they now laboured. He hoped, although the subject was not mentioned, that nothing could be further from the intention of his Majesty's Ministers, than not to give the Dissenters the most complete liberty. He had heard a notice of motion given to the noble Lord upon the subject of the Church-Rates, and he could only say, that he wished that so important a subject had not been omitted from the speech. In his opinion, the very best way of supporting the Established Church was to remove all the sources of discord and discontent from Dissenters, and he did sincerely regret that this subject had not been introduced into the speech, and he hoped, that before the House separated, the noble Lord, or some other individual, would give to the country that explanation which the speech unfortunately did not contain. He was also sorry to find from the speech, that there was no ground on which the people of England could hope for the speedy reduction of the present enormous naval and military establishments of the country. The proceedings of the last month made it seem likely that those establishments would be kept up at their present amount. Within that period we had had shoals of generals added to the Army List, in number sufficient to command and officer all the armies in Europe. Why had that been done? To maintain the aristocracy in its present influence. That was an improper measure. It was against the voice of the people at large; and, what was no less extraordinary, it was against a specific recommendation of a Committee of the House of Commons. He was anxious to hear an explanation from Ministers of this part of their conduct. To no other part of the address, as far as it went, had he any objection. As to Canada, the real situation of that country was now well known, and we ought to hold out the right hand of fellowship and union to her, and no longer withhold, or attempt to withhold, those rights which were her due, otherwise evil must necessarily follow; and his Majesty's Ministers would, therefore, he hoped, be willing to concede the privileges and rights to which that colony was entitled. If, however, they disappointed the wishes of the people on this point, he must, greatly as he should regret it, give them his warm opposition.

Dr. *Bowring* fully agreed with the hon. Member for Middlesex, that instead of opposition his Majesty's Ministers were deserving of the honest support of every Member who wished well to the principles of good government and the cause of humanity. He was one who approved of a close union of interests between France and this country, as the means best calculated to preserve the peace of Europe; but he regretted to say, that the Government of France had not behaved as it ought towards foreign nations in their struggle for liberty. He need only refer to the conduct of France towards the Swiss cantons. He regretted that there was no allusion to this subject in the speech that had that day been delivered from the Throne, because he was anxious to know whether or no the noble Lord, the Secretary of State for Foreign Affairs, had been a party to the note that had been sent by the French Government to the Diet of Switzerland. Would the French Government have acted at Berlin as they acted at Berne? Would they have used to the despots of Europe the language they held to Switzerland? Would they have ventured to employ in Russia or in Prussia those incendiaries they sent into that country? It was most important that it should go forth to the world, that our hands were quite pure from such interference. The observations which he had thus thought proper to make with respect to the conduct of the French Government towards Switzerland, were equally applicable to the course it had pursued toward Spain. It was a fact, that the Spanish insurgents had received great assistance from within the French boundaries; and he felt that the French Government had not been acting either honestly or honourably towards Spain. Notwithstanding the well-known difficulties attending the introduction of any articles from France into Spain without detection by the French Custom-house officers, yet it was an established fact that the army of Don Carlos had received from France great quantities of provisions and a large supply of arms, contrary to the terms of the quadruple treaty, by which the Government of France engaged cordially to assist the Queen and the popular cause. But that cause would eventually triumph. It was now triumphant; and supported by the universal opinion of Spain, and associated with human improvements and the advancement of the happiness of man, he felt persuaded it would succeed there as it ultimately would in every other country. He was rejoiced to believe that the policy of this country towards other countries had for its object to unite more and more closely, the people of all nations. The cause of English Reform was associated with European civilisation and happiness, and anything opposed to that cause was naturally repugnant to British feelings; he, therefore, feared that the retrograde policy of the French Government would alienate, if indeed it had not already alienated, the people of England from France. It was greatly desirable that our policy should proceed in the same course as hitherto, and for the same objects. By supporting popular rights and liberties, the Government of this country would strengthen itself and attach to it the feelings and affections of the whole world. It was with sorrow that he spoke of the conduct of the Monarch of France, towards whom he was bound to entertain feelings of the greatest respect and affection—but if he spoke of the politics of the French Government, it was because they were so closely connected with the interests of this country, and he was compelled to declare that the policy of which the King of the French was pursuing he feared would ultimately prove dangerous to his person, dangerous to his dynasty, and dangerous to the peace of Europe. It would be delightful if in our union with France we could see that country moving, as we were moving, in the march of good Government, in confirming and establishing public rights, in recognizing more and more the power of the people, in making the press more free, instead of enslaving it more, in giving new guarantees to public liberty, and, in short, doing what all Governments were bound to do that wished to live in the affection of the people, and to be supported by them. It had been said by an eminent historian and a great man that it was the destiny of a good Government to be hated. As far as he had read history, it appeared to him that, whatever might be the fate of a good Government, it was unquestionably the fate of a bad Government to be hated. It was a truth warranted by experience, that in order that evil humours might escape they must be allowed to find vent. It appeared, however, that the French Government was making the experiment to carry on its affairs, in the midst of evil humours, without giving them any vent by which they might escape. He hoped that the observations which he had made on the policy of the French Government would not be considered intrusive or improper. He sincerely trusted that the policy of that Government would become more paternal and more patriotic, because by that course it would obtain the good opinion and the affections of the people of this country; and he considered the affections and good opinion of the British people to be as essential to the Government of France as it was to the Government of England itself. He had dwelt upon this subject the more earnestly because in France there were no newspapers through the medium of which the sentiments of the French people, as to the policy of their Government, could be communicated. If any public writer there ventured openly to express his opinions, he was immediately made amenable to some arbitrary tribunal, a tribunal consisting of a packed jury, which echoed only the sentiments of the Government, whose wish was to suppress the publication of all opinions that were adverse to their own line of policy. Whenever therefore the public opinion of France could not find expression through its own press, it was the duty of the friends of liberty in this country to give it expression here, and not in England only, but throughout the world. He had read, with great sorrow, an opinion expressed that the blood of Frenchmen belonged to France. The blood of free nations belonged to humanity, and he hoped the people of England would never shrink from shedding their blood when the cause of freedom called upon them to do so, and when the happiness of mankind was thereby likely to be advanced. He was happy in believing that the foreign policy of England was becoming daily more and more the object of love and of hope to the world. It became this country to take up a high and noble position, to be looked upon, as it had aforetime been, as the representative of great and generous principles, and to prove to other nations that the real well-being of any Government or of any country was to be found only in the general well-being of mankind. Our commerce was spreading in all directions, and our foreign communications were increasing to a wonderful degree. No less than 100,000 letters more had passed between England and France during the last year than in any preceding year in the history of those nations. Every such fact as that was a mark by which to trace the progress of a generous and enlightened policy. He hoped that policy would continue; so long as it did he would give his earnest, though humble support, to his Majesty's Government. Let that Government give the country an assurance that they would pursue the course, and promote the great cause to which the hon. and learned Member for Bath had alluded; let them walk in that career, and step forward in the path of public improvement, and they would continue to receive the cordial support of the House of Commons, while that House would be equally supported by the opinion of the country.

Sir *Robert Peel*: I think I am justified in inferring that it was the intention of his Majesty's Speech, or rather of the address, to avoid provoking on the first day of the session any lengthened, at least any acrimonious, discussion on the matters to which it refers. Various topics are alluded to,—topics which must demand our attention; but I observe in the address an avoidance, I think a studious avoidance, of any pledge with respect to that course which we shall take in regard to those topics. I rejoice, therefore, in being able to give my assent to the address—at least to give so far my assent to the address as not to feel myself under the least obligation to move any amendment to it. I think that is the proper course to be pursued on the first day of the session. I think, considering the short opportunity that there is for those who are in opposition to the King's Government, or who have not access to the speech before it is delivered, to know what are the topics introduced into it, that it is infinitely fairer to indicate the topics to which our attention will be called during the session, without calling upon us for any premature pledge as to the course we shall pursue, and which we are not prepared to give. If the practice which has been adhered to for the last twenty or thirty years should be departed from, and if on the first day of the session we should be invited to enter into any acrimonious discussion, or be called upon to assent to any premature propositions, then that custom which formerly simultaneously prevailed of making known the King's Speech and the nature of its propositions two or three days before it was delivered, ought certainly to be adhered to also. As it is not necessary for me to move an amendment, and as it appears to me to be the prevailing wish of hon. Members—judging from the conversation which has been going on amongst them during the many speeches that have been delivered, and which conversation I am sorry to say, notwithstanding the reform that has been made in our edifice, has been to me as audible as in former days—believing, I say, that it is the wish of the House to avoid a lengthened discussion, I shall, in conformity to that wish, and seeing no advantage in any preliminary or partial discussions upon important matters which are shortly to occupy our attention, imitate the reserve of the Speech itself, and follow the example of those who have preceded me—claiming for myself the right of hereafter discussing unfettered, and without any pledge, all the topics alluded to in the speech—and shall avoid saying anything which can provoke discussion on the present occasion. The only amendment which has been offered to our notice, relating to a matter which must have provoked much discussion, has been withdrawn; and the only comments which have been made on the speech are those which fell from the hon. Member for Derbyshire (Mr. Gisborne), who was surprised that so much of the speech was occupied with what referred to joint-stock banks. That observation convinced me that the hon. Gentleman had never been in a Cabinet Council, because when a Cabinet Council was held to draw up a King's Speech, which must occupy a certain time in the delivery, but which at the same time must be so framed as to avoid discussion, the question of joint-stock banks was one of the most prominent that could be selected. But if the hon. Gentleman will look at the terms in which that subject is treated of, all anxiety on his part, I think, would be removed, for he may safely rest on this announcement, that "the best security against mismanagement of banking affairs must ever be found in the capacity and integrity of those who are intrusted with the administration of them." I suppose this does not refer to the mental capacity, but to the solvency of the parties; or the term "capacity" may be taken in a double sense, and include the substantial as well as the intellectual vigour of the parties. The pledge, however, which the hon. Gentleman shrinks from is this—"But no legislative regulation should be omitted which can increase and ensure the stability of establishments upon which commercial credit so much depends." If he therefore thinks, that no legislative regulation can increase and ensure the stability of establishments upon which commercial credit depends, he may feel himself safe as far as concerns the pledges contained in that part of the address. The only topic to which I shall refer is that which relates to our foreign policy, and this not with a view of provoking any discussion—not with a view (as I wish to avoid discussion) of condemning it, but only to reserve to myself the same power with respect to our foreign policy as I have already done with reference to our domestic policy, namely, that of being unfettered by any pledge to what may in a future discussion seem to me to be open to objection. The expression I allude to in the speech is this :—"His Majesty laments that the civil contest which has agitated the Spanish Monarchy has not yet been brought to a close; but his Majesty has continued to afford to the Queen of Spain that aid which, by the Treaty of Quadruple Alliance of 1834, his Majesty engaged to give if it should become necessary: and his Majesty rejoices that his co-operating force has rendered useful assistance to the troops of her Catholic Majesty." I recognise the fair claim of the Queen of Spain to the sympathies of this country. The Queen of Spain is the ally of this country. She was recognised by the Government of this country with which I was connected, as the legitimate Queen of Spain, before the Quadruple Alliance. I reserve the expression of my opinion with respect to the policy of that quadruple alliance. But there are two questions perfectly distinct; first, whether the engagement which we have entered into ought or ought not to have been entered into; and next, whether that engagement being entered into, and the national faith pledged to it, ought that treaty to be faithfully and honourably fulfilled? I say it ought. I say that the question as to the original policy of this country entering into that Treaty is entirely distinct from the question as to the practical execution of it. It is true, as the noble Lord opposite on a former occasion stated, that the Duke of Wellington and myself, during the short period the administration of the country was in our hands, while expressing serious doubts as to the policy of the original engagement entered into by that treaty, yet felt ourselves bound, not merely technically to adhere to the letter of the treaty, but earnestly to see it executed in the spirit in which it was conceived. His Majesty informs us that he "has continued to afford to the Queen of Spain that aid which, by the Treaty of Quadruple Alliance of 1834, his Majesty engaged to give if it should become necessary." I can say, with perfect truth, that I heard with satisfaction that the King had given that aid to the Queen of Spain, which he had stipulated to give her if it should become necessary. I must also say, if this country, in the execution of a treaty, the original policy of which I may condemn, does afford aid, that when that aid, whether of British seamen or British soldiers, is given, I never can refuse my sympathy to those gallant men, nor fail to rejoice in their success. But the expression of the address is, "we rejoice that his Majesty's co-operating force has rendered useful assistance to the troops of her Catholic Majesty." Now, I take it for granted that the object of the King's Speech was to state to us this—"I stipulated to give a certain force; I have given that force, and that force has been successful." The force we stipulated to give was a naval force. The granting the assistance of a naval force, evidently does not admit us to interfere with respect to any civil dissentions, or any internal constitutional questions, which a stipulation to grant a military force would seem to imply. And, therefore, I take it for granted that this part of the Speech is literally correct, and that the aid given has been in conformity with the treaty, and nothing more; that it has been that naval force which we stipulated to give. Because, although I agree that that treaty ought to be executed in a generous spirit, yet I still shall on the strongest grounds protest against any construction being given to that treaty which the terms of it do not warrant, and against our being involved, beyond the obligations of that treaty, in the internal dissentions of the Spanish nation. I think that is the prevailing opinion of the majority of this House; and that we ought to watch with the utmost care and circumspection—whatever our opinions may be about monarchical or democratic Governments—that a dangerous principle and precedent be not established; but which must be the result, if we once begin to adopt a system of interference with the internal quarrels and dissentions of other countries. Who can undertake to limit the application of that principle to a question of constitutional government, if we establish a precedent of which despotic countries may avail themselves? They may say they have as much right to interfere with the civil dissentions of Spain for the purpose of maintaining arbitrary government, as we have for maintaining constitutional government; and then there would be an end to the peace and repose of Europe. Such may be the consequence of our setting a bad example, by extending the limits of the treaty for the purpose of involving ourselves in these internal dissentions. Therefore I give my assent to that portion of the address, assuming that the statements of it are in strict conformity with the treaty, and that the co-operating force referred to may merely be considered that naval force which we undertook to give. It is impossible to look to the very next paragraph of the Speech without deriving a useful lesson as to the danger of our interfering with the civil matters of other countries. The paragraph I allude to refers to Portugal. In 1837 we express our regret that "events have happened in Portugal which for a time threatened to disturb the internal peace of that country." In 1834 (three years previous), after our influence, or, as it was called, moral influence, had been completely successful in effecting a revolution and establishing the present dynasty in Portugal, what were the terms in which his present Majesty addressed this House?—"I have derived the most sincere and lively satisfaction from the termination of the civil war which had so long distracted the kingdom of Portugal; and I rejoice to think that the treaty which the state of affairs in Spain and in Portugal induced me to conclude with the King of the French, the Queen Regent of Spain, and the Regent of Portugal, and which has already been laid before you, contributed materially to produce this happy result." That happy result! But in 1837 we are aware of the fact that we have, I believe, six sail of the line in the Tagus, after that happy result has been produced, for the purpose of what?—for the purpose of defending the Queen of that country from possible personal attack on the part of her own subjects; and also for the very laudable object of doing what?—of rescuing the English residing there from the dangers with which they are threatened. Now is that the happy result of our interference? Six sail of the line is a considerable force; either, therefore, that country is unsettled, or English life and property are in danger. Either one or the other or both is the case. I take the simple facts, and then I ask, is not that a conclusive proof that, after all our interference, we have not obtained a single object—neither that of establishing the government of the Queen, nor of increasing English influence in Portugal. But I will put aside the question of principle altogether, and ask you to look only as a matter of experience to what this ought to teach us as to our future policy. What is the advantage we have gained in Portugal? How ought we to reason from the result of our policy with respect to that country, as to the probable issue of our conduct with regard to Spain, when we consider that some three or four years after his Majesty's Government had pronounced eulogiums on the happy result of our policy in establishing the government of the Queen of Portugal through the influence of our arms, she is unable to command the affections of her subjects, while England has no alternative but that of again resorting to force, and of, in fact, becoming responsible for the civil government of that country? One main object we had hoped to realise from the quadruple treaty was, to be on terms of good understanding with France, But if what the hon. Gentleman (Dr. Bowring) has stated be true, it is evident that the object of that treaty—namely, the formation of an intimate union with France—has not been realised. I will not longer detain the House, but reserving to myself the right of considering hereafter the whole policy, domestic and foreign, alluded to in the Speech, I again say that I give my assent to those paragraphs in the address which I have particularly mentioned. I do so because I think the Queen of Spain—I avow it—is fairly and fully entitled to our sympathy, and to an honourable performance of the engagement which we have entered into with her; and as this honourable engagement has called for the active interference of a British force, I cannot withhold my expression of admiration at the gallantry of my countrymen, and that as they have interfered, I rejoice that their interference has been successful.

Viscount *Palmerston:* I shall certainly so far follow the example of the right hon. Baronet as not to trespass upon the attention of the House for above a very few minutes. I am bound, in the first place, to say, that the interpretation which the right hon. Baronet has given of that part of the address which relates to our foreign relations is perfectly warranted, and consistent with the intentions of those who proposed it. But as, in agreeing to the address on the grounds which the right hon. Baronet has stated, and which I am ready to say are most honourable to himself, he is not pledged on those questions to which he has alluded, it will be perfectly open to him at any future period to impugn the foreign policy of his Majesty's Government. If I had any remark to make upon what has fallen from the right hon. Baronet, it would be, that while he professed not to object to the address, yet he did contrive incidentally to convey to the House opinions somewhat stronger, and to a greater extent than that which he announced it to be his intention to express when he began. I shall be prepared, however, when the right hon. Baronet or any other hon. Member shall enter into this question, to show that the co-operation which has been afforded to the Queen of Spain is, as the right hon. Baronet has stated—though, judging from his manner, not as he implied—consistent and in strict conformity with the engagements of the quadruple treaty. The right hon. Baronet, with reference to the affairs of Portugal, said, that those events to which the speech alluded, as having recently taken place in that country, ought to be a warning to us not to interfere hastily with the internal affairs of other nations; for that whereas in 1834 we congratulated ourselves on the effectual stop we had put to the disputes then prevailing in Portugal, yet now, in 1837, other disputes have arisen, and three years after those congratulations we have been obliged to send ships to Lisbon in order to protect British subjects from any injury they may sustain from popular resistance to the Government of the Queen. Now, I cannot see any inconsistency between the result which was then alluded to, as having taken place in Portugal, and what is now stated in the address, because, when we stated that the effect of the treaty in 1834 had been at once to put an end to the civil war which was then raging in Portugal, we did not take upon ourselves the responsibility of the Government of Portugal in all future times, or undertake to guarantee that Portugal should for ever after be free from all liability to those disturbances which every country, whatever its government may be, must always be subject to. But if we thought it was likely a disturbance would take place in Portugal, which might be attended with popular commotion, I think it was right and proper, and our bounden duty, having ships at our disposal, to send them to the Tagus, in order, to protect our own fellow-subjects from suffering in consequence of that disturbance. But I shall be prepared to show that that is true which is stated in the Speech, and that those ships were sent out for the purposes there stated, and that, being there, they did not interfere with the constitutional questions which divided the conflicting parties in that country. I shall only say, therefore, that the right hon. Baronet is perfectly warranted in concurring in this address, notwithstanding the opinion which he entertains of the impolicy of the quadruple treaty; and that it is perfectly open to him, after having so concurred in it, without an amendment, to impugn and dispute hereafter the policy of that treaty.

The motion for the Address was then agreed to, and a Committee appointed to prepare and draw up the same.

HOUSE OF COMMONS,

Wednesday, February 1, 1837.

Minutes.] Petitions presented. By Mr. Pease, Mr. M'Taggart, Mr. Fox Maule, Mr. Wilks, and Mr. Hume, from Stockton-upon-Tees; Edinburgh; Alcester; Modbury; Tamworth; Congregation of Lady Huntingdon's Chapel, Bradford (Wilts); Independents of Bradford (Wilts); Holt; and Baptisms of Bradford for the Abolition of Church Rates.—By Mr. Wallace, from Port Glasgow, for the Repeal of the Duty on Soap; and Mr. Fox Maule, from Dumbartonshire, for the Repeal of Attornies' Tax.

Admission of Strangers.] The Sessional Order having been proposed,

Mr. *Ewart* rose to bring forward the motion of which he had given notice, relative to the Admission of Strangers. The only reason that he knew of, why a Member's Order was requisite, for the admission of persons into the strangers' gallery, was, that it was supposed to be some guarantee for the respectability of the individuals admitted. Now he (Mr. Ewart) believed that a Member granted an order at the request of any individual, especially if that individual was one of his constituents. It was, therefore, in fact no guarantee at all; because the character or avocation of the individual seeking the order for admission was never inquired into. Another reason in justification of this impediment was said to be, that on all important occasions the gallery would be inconveniently crowded. Now, he did not think that a good argument, seeing that the same objection would apply to the present system; for there were six hundred and fifty-eight Members of that House, and it was very well known that the gallery would not contain more than two hundred individuals. Besides, if it became crowded, the officers would have directions to prevent the inconvenience, and Members at present were as much besieged on their way to the House as the doors of the gallery would then be. At present the modest and retiring man was sure to be excluded, while the forward and presuming was certain to succeed. The best proof of a person's anxiety to hear the debates was found in the fact of his coming early, and, on the system he proposed such a person would gain admission. It was well known that Members never refused a request made to them for an order, particularly if the applicant happened to be one of their constituents. He thought the present system a great injury to the unrepresented classes. He would suppose the case of a man who had no Member to represent him; why, such a man had no means of obtaining admission to the gallery of that House. For all the reasons he had mentioned—on account of the impediments to the public, and the inconvenience to Members—he should propose that the public should be admitted to the strangers' gallery of that House without a Member's Order; but that it should continue to be cleared, as at present, on the motion of a Member, and during divisions.

Lord *John Russell* said, that notwithstanding the arguments of the hon. Gentleman, he still doubted the prudence of dispensing with a Member's Order, which, in his opinion, afforded some guarantee for the respectability of the person admitted. There were, in his opinion, great objections to the proposition of the hon. Member for Liverpool, as on all great occasions the gallery would be crowded to excess, and among the respectable individuals there might be many pickpockets. He had all along considered that admission by means of fees was objectionable, and for that reason he had enrolled himself among those who were in favour of its abolition. But, until some better ground than that stated by the hon. Member for Liverpool was brought forward, he thought things ought to remain as they now were.

Mr. *Ewart* wished to know how the noble Lord, by the present system, would prevent pickpockets from entering the gallery of the House. It was notorious that Members gave their orders to any person that asked them, even to some of the porters in the streets.

Mr. *Potter* suggested, that the gallery should be open until seven o'clock for the admission of persons having Members' orders, and that after that hour it should be open to the public in the way the hon. Member wished.

The House divided on Mr. Ewart's motion. Ayes 11; Noes 172: Majority 161.

List of the AYES.

Bowring, Dr.
Brotherton, J.
Gillon, W. D.
Hindley, C.
Lushington, Charles
Pechell, Capt. R.
Potter, R.
Roebuck, J. A.
Wason, R.
Wilks, John
Williams, W.

TELLERS.

Ewart, W.
Wakley, T.

List of the NOES.

Alsager, Captain
Angerstein, John
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Baillie, H. D.
Baring, F.
Baring, W. B.
Barnard, E. G.
Barry, G. S.
Belfast, Lord
Bell, Matthew
Beresford, Sir J.
Bish, T. P.
Blackstone, W. S.
Bodkin, J.
Bonham, R. Francis
Borthwick, Peter
Brabazon, Sir W.
Brady, Denis C.
Browne, R. D.
Bruen, F.
Buller, Sir J. B. Yarde
Butler, hon. Pierce
Campbell, Sir H.
Campbell, Sir. J.
Canning, hon. C.
Chaplin, Colonel
Chichester, J. P. B.
Clerk, Sir G.
Clive, Edward Bolton
Clive, hon. R. H.
Colborne, N. W. R.
Compton, H. C.
Conolly, E. M.
Conyngham, Lord A.
Dalbiac, Sir C.
Dick, Quintin
Donkin, Sir R.
Dugdale, W. S.
Duncombe, T.
Eastnor, Viscount
Eaton, Richard J.
Egerton, Wm. Tatton
Ellice, E.
Fancourt, Major
Fector, John Minet
Fergusson, R. C.
Finn, Wm. Francis
Fitzsimon, Chris.
Follett, Sir W. Webb
Forbes, Wm.
Forester, hon. G. C. W.
Fremantle, Sir T. W.
French, F.
Gisborne, T.
Goodricke, Sir F.
Gordon, hon. W.
Goring, Harry Dent
Goulburn, Sergeant
Graham, Sir J.
Green, Thomas
Grey, Sir G. Bart.
Halford, H.
Halse, James
Hanmer, Sir J., Bart.
Hardy, J.
Hawes, B.
Hay, Sir A. L.
Hector, C. J.
Henniker, Lord
Herbert, hon. Sidney
Hodgson, J.
Holland, Edward
Hoy, J. B.
Ingham, R.
Inglis, Sir R. H., Bart.
Irton, Samuel
James, W.
Jackson, Sergeant
Jephson, C. D. O.
Jervis, John
Jones, Wilson
King, Edward B.
Lefevre, Charles S.
Lennox, Lord G.
Lennox, Lord A.
Loch, James
Long, Walter
Lushington, Dr.
Mackinnon, W. A.
Maclean, D.
Macleod, R.
Macnamara, Major
Mactaggart, J.
Maher, John
Mahon, Lord
Mangles, J.
Marshall, William
Marsland, Thomas
Maule, hon. F.
Milton, Viscount
Molesworth, Sir W.
Mordaunt, Sir J., Bart.
Morpeth, Lord
Murray, J. A.
Nicholl, Dr.
Norreys, Lord
North, Frederick
O'Brien, W. S.

O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Conor Don
O'Ferrall, M.
Oliphant, Lawrence
Palmer, Robert
Parker, John
Parrot, Jasper
Pease, J.
Peel, Sir R., Bart.
Peel, Col. J.
Peel, rt. hon. W. Y.
Pigot, Robert
Pinney, W.
Plumptre, J. P.
Pollock, Sir Fred.
Poulter, J. S.
Powell, Colonel
Power, J.
Price, S. G.
Pringle, A.
Pryme, George
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Ross, Charles
Russell, Lord John
Sanford, E. A.
Scott, Sir E. D.
Scott, J. W.
Sibthorp, Colonel
Stanley, Edward
Stanley, Lord
Strutt, E.
Stuart, V.
Talfourd, Segeant
Tancred, H. W.
Thompson, Paul B.
Tooke, W.
Tracey, C. H.
Troubridge, Sir T.
Tulk, C. A.
Twiss, H.
Tynte, C. J. Kemeys
Tyrrell, Sir J.
Vesey, hon. T.
Villiers, C. P.
Vyvyan, Sir R. R.
Walker, C. A.
Walter, John
Warburton, H.
Ward, H. G.
Weyland, Major
Whitmore, Thomas C.
Wilbraham, G.
Wilmot, Sir J. E.
Wodehouse, E.
Wrightson, W.
Wrottesley, Sir J., Bart.
Wyndham, Wadham
Wynn, rt. hon. C. W.
Young, G. F.

TELLERS.
Philips, G. R.
Steuart, R.

DIVISIONS IN COMMITTEES.] Mr. *Ward* rose to move, that in every instance where five Members required it, the mode of taking divisions at present adopted in the House should be extended to divisions in Committee. At present the House possessed no records of the divisions that took place in Committee, yet they were often as important as those that took place in the House. It would, therefore, be highly desirable that they should be registered in the votes.

Motion agreed to.

PRIVILEGE.] Lord *John Russell*, previous to moving the Order of the Day for taking into consideration the letters received yesterday by the Speaker from the Lord Chancellor and Mr. Lechmere Charlton, begged to call the attention of the House to the propriety of appointing at the commencement of the Session a Committee of privileges in the same way as it used to do formerly. For the last two or three years no Committee of this kind had been appointed, in consequence, as he believed, of its having a clerk attached to it with a regular salary, which, in the absence of any immediate question for the consideration of such a Committee, appeared to be a useless expense. In moving for the revival of the Committee of privileges on the present occasion, he should think it unnecessary to appoint a clerk specially to attend upon its proceedings, as there were many gentlemen connected with the House who would be fully competent to discharge all the duties required from such an officer. He thought generally with regard to the Committee of privileges that the questions brought before them had been discussed and considered with great attention and fairness, and he did not know that any occasion had occurred upon which the constitution of the Committee had been complained of. He should, therefore, move that such a Committee be appointed, to be constituted in the usual manner, namely, of a certain number of gentlemen named by the House, and of all knights of the shire and gentlemen of the long robe.

Appointment of Committee agreed to.

On the question that it do consist of all knights of the shire and gentlemen of the long robe,

Mr. *Hume* wished to know why any distinction should be made between gentlemen of the long robe and any other members of the House? Upon the questions coming before a committee of the description these were, he thought many gentlemen in the House unconnected with the legal profession quite as competent to form a correct opinion as any who had arrived at the dignity of the wig and gown. Why, too, should an exception be made in favor of the knights of the shire? He thought that the Committee, instead of being composed of such a host of members, which could tend only to protract and confuse its proceedings, should consist of a certain given number, say twenty-one, whose qualification should not depend either upon their being knights of the shire or gentlemen of the long robe.

Mr. *Williams Wynn* saw no reason to depart from the usual practice. The Committee had never been found inconveniently large, and its proceedings had always been conducted with the utmost propriety, attention, and despatch.

Lord *John Russell* was not aware that any inconvenience had ever resulted from the manner in which the Committee was constituted.

Sir *Robert Peel* observed, that in the case of Mr. Long Wellesley, although a great many of the Committee attended it was not found that the number was inconveniently large. Great attention was paid by every member to all the circumstances of the case, which were entered into at great length, and the desire to do justice seemed to be common to all. If it should hereafter be found that any inconvenience arose from the number of the Committee, it would then be time to adopt the limitation proposed by the hon. Member for Middlesex.

Mr. *Hume* would not press his objection, as the general feeling of the House appeared to be against him; but he begged to observe that he was far from being convinced of the impropriety of his suggestion.

The motion agreed to.

MR. LECHMERE CHARLTON.] Lord *John Russell* moved the order of the day for taking the letters of the Lord Chancellor and Mr. Lechmere Charlton into consideration. The noble Lord then said:—I have very few words to state to the House on this subject. I think it will be necessary for the House to refer this question to a Committee of Privileges, in consequence of the statement which has been made by a Member of this House. The hon. Member for Ludlow (Mr. Lechmere Charlton) after stating that he seeks not to withdraw himself from the criminal jurisdiction of the realm, goes on to say, "to be protected, however, from any violence of the Crown, or its Ministers, is, I apprehend, the established and undoubted privilege of a Member of Parliament. To this hour I know not of what I am accused, except from public report." This is the statement which the House has received through one of its members, and it is in contradiction of the statement which you have received from the Lord Chancellor. The statement of the Lord Chancellor is, that it is not as exercising the authority of the Crown or as being one of the Ministers of the Crown that he issued the warrant, but that he issued the warrant for the commitment of E. Lechmere Charlton, Esq., one of the Members for the borough of Ludlow, "for a contempt of the high Court of Chancery, in writing and sending for a certain letter, dated the 24th of October last, to William Brougham, Esq., one of the masters of the court, followed by a certain other letter, dated the 19th of November last, addressed to myself." Now, I think it necessary that the House should refer these two letters to a Committee of Privileges, to see whether this breach of the privileges of the House of which Mr. Charlton complains, has been committed, by the Lord Chancellor in the capacity of a Minister of the Crown, or as a judge of the Court of Chancery, I shall be content with referring its merits to a Committee, as was done in the case of Mr. Long Wellesley, where the matter having been fairly and laboriously investigated, the result was communicated to this House, and this House was not advised to interfere further in it. The order in Mr. Wellesley's case was, that the letters from the Chancellor, and from Mr. Wellesley, and the subject matter thereof, should be referred to a Committee of Privileges, which was required to report their proceedings and opinions to the House. I wish in the present instance, to follow the same course. Before I conclude, I wish to advert for a moment to the opinion given yesterday by the hon. and learned Member for Bath (Mr. Roebuck), namely, that as the hon. Member from whom the complaint was made was not yet in custody, he was not in a situation to claim the protection of the House. Now, I conceive that the letter received from the hon. Member himself stating that he believes a warrant has been issued for his apprehension, affords quite sufficient ground for the House to conclude that his absence from the sitting of this House has been occasioned by the apprehension of arrest under the warrant which the Lord Chancellor himself tells us has been issued for that purpose. It certainly appears to me that a sufficient case has been made out for the interference of the House, because though the hon. Member be not in custody it is clear that his absence from his duties here is occasioned by a step taken by the Lord Chancellor. Under these circumstances I think that we should proceed in the same way as in the case of Mr. Long Wellesley, and I therefore move that the letters of the Lord Chancellor and of Mr. Lechmere Charlton be referred to a Committee of Privileges, to consider the matters therein stated, and to report their proceedings and opinion to this House.

Mr. *Roebuck* wished to ask one question of the noble Lord before the subject dropped. When the Committee of Privileges was appointed, Mr. Charlton, of course, would wish to appear before i tto defend himself, and to explain the circumstances under which he was threatened with arrest by the Lord Chancellor. Now, what he wished to know was, whether it was the intention of the noble Lord that the protection of the House should be given to Mr. Charlton in going to and coming from the Committee? In his opinion Mr. Charlton ought to be distinctly in the custody of the Lord Chancellor whilst he was before the Committee; for he (Mr. Roebuck) believed that the hon. Member had endeavoured to evade the law; and, in his opinion, no man could claim the protection of that House against a warrant, or any other instrument by which he might be taken into custody, unless he had first yielded all obedience to the law.

Lord *John Russell* did not understand that the order for the appointment of the Committee would give any protection to Mr. Charlton. If the House chose to interfere in favour of that Gentleman to prevent his being committed or arrested as he went to or came from the Committee, a subsequent and distinct order of the House would be necessary for that purpose. For his own part he did not see that it would be necessary to take such a step in the first instance. Mr. Charlton was not yet in custody. If, before the inquiry terminated, he should be arrested, it might then be necessary for the House to make some such order as was made in the case of Mr. Long Wellesley, by which he might be brought before the Committee, and enabled to make his defence.

Committee appointed.

The Address.] Mr. A. Sanford brought up the Report on the Address.

On the question that it be agreed to,

Mr. *Grove Price*, in order to guard against a supposed acquiescence in that part of his Majesty's Speech which related to foreign affairs, wished to state that he continued to hold the same opinions as those he had declared in the last Session of Parliament with respect to the impolicy of the interference of this country in the domestic affairs of Spain. It was not his intention, however, to offer any opposition to the Address which had just been read, but he begged it to be distinctly understood that in yielding a tacit consent to the opinions therein stated, he reserved to himself a full right, when the question was brought forward in a more tangible shape, of expressing what were his real and decided opinions upon the subject. Convinced as he was of the ultimate success of that cause for which he felt interested, and which he begged to observe had not been materially injured by the affair of Bilboa, he should feel it to be his duty as a Member of the British Parliament to exercise, when the proper opportunity presented itself, his independent voice in support of that cause.

Mr. *Maclean* did not intend at that moment to express any opinion as to the policy or impolicy of the treaty entered into with the Queen of Spain. Upon that subject he reserved to himself the right of expressing a full and candid opinion upon some subsequent occasion. His object in rising then was to prevent any misapprehension of what had fallen from the right hon. Baronet (Sir R. Peel) upon the subject last evening. He (Mr. Maclean) agreed with the right hon. Baronet that the co-operation of the British force could not be objected to if that co-operation were such as had been guaranteed by the treaty into which the Government of this country had entered with the Government of the Queen of Spain. He (Mr. Maclean), however, was of opinion that when the question came to be fully investigated, as it ought to be, it would be found that the co-operation, if such it could be called—or the intervention, if such it had been—or the translimitation, if that were to be taken as the proper term for it—had not been such as was guaranteed by the treaty, and that the aid afforded to the Queen of Spain was such as might place this country in a dangerous position. When the proper documents were laid upon the table he thought there would be no difficulty in proving that the co-operation alluded to in the Address, instead of being within the words or spirit of the treaty, was directly opposed to both.

Sir *Robert Peel* was surprised that any misapprehension should have arisen as to the course which he yesterday stated his intention of pursuing. If such a misapprehension had arisen in the minds of any hon. Gentleman, he was quite sure it must have been occasioned by the circumstance of his having stated twice over what it was that he meant to do. What he stated was, that he was prepared to give his assent to that paragraph of his Majesty's speech which related to foreign policy, provided the aid afforded to the cause of the Queen of Spain was in strict conformity to the engagements into which the Government of this country had entered with the Government of the Queen. But leaving that point open for discussion, he added, at the same time, that the term "co-operative force," used in the speech from the throne, was of an equivocal character; and inquired whether that force was such as would come within the conditions of the treaty. That was the understanding upon which he gave a qualified consent to the portion of the speech which referred to the subject; and he had repeated it twice, hoping there would have been no misconstruction of his meaning.

Mr. *Maclean* had not mistaken the right hon. Baronet's meaning himself, but he believed others had done so, and he therefore took the opportunity of mentioning it, in order that the misapprehension might not extend further.

Viscount *Palmerston* said, there certainly was no misunderstanding on his side of the House as to what fell from the right hon. Baronet on the previous evening. He perfectly understood the right hon. Baronet to say that which he had now stated. Undoubtedly hon. Members on the other side, by assenting to the Address as now proposed, did not pledge themselves in any way adverse to the opinions they had on former occasions expressed relative to any of the topics contained in it. He would only further say, although it was unusual for an individual to express regret that his opponent had not made a longer speech against him, yet he assured the hon. Member for Sandwich, that when a longer attack should be made on our foreign policy, he should be exceedingly happy to meet it.

Mr. *Plumptre* hoped he should not be deemed out of order in adverting to what he considered to be an omission in the King's speech, inasmuch as no allusion was made to the prevailing epidemic, nor any recognition of the Divine Providence. Since the House last met, the country had been visited with more than one extremely severe affliction, upon which the King's speech was totally silent. Surely some reference ought to have been made to this subject, and to the will of the great Disposer of all events, the great Dispenser of national prosperity. He believed that at no time, in no nation, though plunged in the deepest ignorance, had an occasion like the present been allowed to pass by, without some recognition of God's dispensation; and he very deeply regretted that no mention had been made of these visitations in the King's Speech. Both individuals and the country had suffered much during the last six months. A great deal of property had been destroyed by severity of weather, and at this very moment there was scarcely a family in the country, (though they might not be in a very alarming state) who was not more or less in a state of affliction. He should have thought it would have been as well at such a time, to have recognised the great superintending Power, and wise Disposer of all events. He believed that the great truth of Holy Writ applied as well to nations as to individuals — "Them that honour me I will honour, but they who despise me, shall be lightly esteemed." It was on these grounds he protested against this important omission.

Sir *George Clerk* could not avoid expressing his disapprobation, as a Scotch representative, that among the various topics mentioned in the King's speech, no allusion was made or information given upon a subject which had for some time past excited the deepest interest throughout Scotland: he referred to the result of the Commission appointed two years ago to inquire into the means of religious instruction in that country. As far as he knew from common rumour, the Commissioners had completed their labours; and, respecting a subject of such importance as that of ascertaining whether there was any deficiency in the means of religious instruction in so important a part of the empire as Scotland, he could have wished that some notice had been taken in his Majesty's speech. He thought the Ministers ought to have afforded information to Parliament as to whether they had received any Report from the Commissioners, and if so, whether it was their intention at an early period to call the attention of the House to it. This was no party question, but was interesting to every Member of that part of the empire to which the inquiry related. He therefore hoped the noble Lord would be able to give the House some satisfactory explanation on the subject.

Lord *John Russell*, with respect to the observation that had fallen from the hon. Member for East Kent (Mr. Plumptre) must say, that he so far differed from him, that he (Lord John Russell) did not think it would be advisable to lay down, as a constant rule, which ought never to be departed from, that, in every speech from the Throne, Ministers ought to introduce the name of Divine Providence. He thought if that were to be laid down as a general rule, and it should be made a matter of attack upon the Ministers who did not observe it, it would become in time a mere matter of form, and the words would have very little effect. So far from promoting the object which the hon. Gentleman had in view, the using constantly, and trivially almost, in the speech from the Throne the name of Divine Providence would induce persons to pay less attention, and to be less solemn upon such an occasion, than they ought to be. He did not concur with the hon. Gentleman that there were any peculiar circumstances which, at the present time, made it necessary that they should have introduced such words into his Majesty's speech. It certainly had happened more than once. It happened no longer ago than in his Majesty's answer to the Address of the House last year, when his Majesty stated, that he would always study, under Divine Providence, to maintain the high character of this country, and promote the welfare of his people. That acknowledgment showed certainly that those who advised his Majesty to use those words, were not neglectful of that sentiment which it was his Majesty's disposition always to entertain—a sentiment which became the King of this Christian country. With respect to the observations made by the hon. Baronet (Sir G. Clerk), he trusted he could give what the hon. Baronet would deem a satisfactory answer. If the Report of the Commission on Religious Instruction in Scotland had been received, it would have been a proper subject for his Majesty to have mentioned in his speech; but, in fact, although he had been informed that the reports would be ready, yet he had received no Report until Monday night, after the speech had been approved by his Majesty, when it reached the Home-office. The Report received was one relating only to Edinburgh. It had since been sent to Lord Minto, one of the Commissioners, to receive his consideration, whether he should think proper, not having been able to attend the Commission throughout, to acquiesce in it; it being considered desirable that the Report should be signed by all the Commissioners. He expected that the Report would have been by this time on the Table of the House; and he could assure the hon. Baronet, if it were not presented to-day, it should be to-morrow.

Mr. *Twiss* could not concur with the noble Lord in the opinion that such mention of the Deity would be inexpedient. The solemn nomination of Divine Providence in the initiative Act of so high a legislative body, while it would derive weight and dignity from the importance of the occasion, on the one hand, would, on the other, exhibit a remarkable fitness to the peculiar circumstances in which, by the interposition of Providence, the inhabitants of these countries were placed. There were some occasions upon which acts which might otherwise be deemed merely formal, were especially proper, and peculiarly becoming. National calamities, in the shape of epidemic disease, were undeniably of this description, and the solemn mention of the Divine name in a solemn Parliamentary document would, he repeated, be suitable to the principles pervading a Christian country, and befitting the national character. Another reason in support of his view, was the fact that a reform or measure of some description respecting the Established Church of this country was hinted at in the course of the Speech which had been read to them on the preceding day. Anxious to preserve that church unimpaired, he was equally anxious for the maintenance and diffusion of religious sentiments; and it certainly appeared to him not too much to expect that the expressions of loyalty and affection addressed to the Head of that Church should be coupled with the name of Divine Providence.

Report of the Address agreed to.

PRINTING PAPERS.—EVIDENCE BEFORE COMMITTEES.] Mr. Hume, in moving that a Select Committee be appointed for the purpose of selecting, arranging, and regulating the printing all Parliamentary documents, said, he was quite aware that a great many questions respecting the distribution of these papers to the public had been brought before the Committee of last Session. An arrangement had been, in consequence, effected, which had given much satisfaction to the public, and conduced to the general convenience of all the parties concerned. He had no hesitation in further observing, that it would be difficult to discover a better mode than that which the Committee had adopted for giving facilities to the public in procuring important documents. His object in bringing forward his present motion, was to enable the Committee to be further prepared to yield the desired accommodation. Although a number of the Parliamentary papers of last Session had circulated widely, there still were many individuals who knew not how those documents were to be obtained. He would propose to follow up the motion which he would now lay on the Table with one for a return of the names and descriptions of all Parliamentary papers which it was proposed to supply, together with a list of the prices; the return to circulate with the "notices of motion," which issued each morning. He had stated what appeared to him (and he trusted hon. Members would give him a hearing) a most favourable opportunity for making generally known to the public the names and prices of all Parliamentary documents. The mode which he suggested, was to circulate such a return together with the printed list of "notices." Of these notices, there was printed and circulated daily a very considerable number; and he would suggest, that annexed to each printed notice should be the prices of the various Parliamentary documents, and the several places at which they were to be procured. A few extra lines would be sufficient for his purpose; and the desired information would be thus rendered accessible to the public in every Committee-room. He could assure hon. Members, that by consenting to the proposed arrangement, they would save themselves a vast deal of trouble. He had well considered the modes of affording facilities in this respect, and the plan which he suggested was the result of mature reflection. After formally moving the appointment of the Committee, the hon. Member expressed a hope that an arrangement would also be made, by which the public might be enabled to gain possession of all accessible documents relating to Select Committees, with the facility of procuring them as in the case of papers of the House of Commons. He described this arrangement as tending materially to promote the objects for which such Committees are appointed.

Sir *Robert Peel* could not help thinking that great advantages would result from the adoption of some general rule as to the discretion allowed to witnesses examined orally before Committees, in the subsequent alteration of their evidence. This was, he conceived, a point of the utmost importance. The witnesses were uniformly permitted to revise their evidence, and he knew, from what had occurred in his own case, with reference to the examination of a witness before a Committee, that the most improper liberties were sometimes taken with the shorthand-writer's copy of the evidence, under the pretext of legitimate correction. In reading over the printed evidence of the individual to whom he referred, he met with an answer, of the precise terms of which, as spoken by the witness, he retained a perfect recollection; but so completely altered by the witness was its meaning, that had the answer as he found it in the printed report been given before the Committee in seeking for a further explanation, he should have undoubtedly asked some, and probably several questions. Between the addition of valuable details, and the variation of an answer, by which its meaning and substance were altered, there was a clear distinction. If a witness should fall into an unintentional error, it was quite right that he should be afforded an opportunity of correcting it. To mere verbal alterations he had no objection, so long as the meaning remained the same. But it indisputably tended to shake the confidence of the public in the fidelity with which proceedings before Committees were publicly recorded, and, by a necessary inference, in the mode of conducting those proceedings, when witnesses were known to enjoy the privilege of altering their testimony at pleasure, and when a private party attending at a Committee was deprived of the opportunity of asking questions, which in justice to himself or others he would have been compelled to ask, if the answer, as printed, had been delivered within his hearing before the Committee. If hon. Members would take the trouble of looking over the printed evidence in a limited number of instances, they would find that in many cases the answer did not correspond with the question, and that the person examining, if he were disposed to discharge his duty properly, would indisputably have sought further explanation, and asked additional questions. It appeared to him to be of the utmost importance that a distinct understanding should be arrived at with regard to the extent to which alteration of his evidence is permissible to a witness. The difference between a personal examination and prepared and written evidence was obvious to every understanding. The undoubted superiority of parol over written evidence in eliciting the truth was destroyed by the system of deliberate alteration, and the spirit of a witness's verbal testimony, when thus retouched and reconcocted, could be traced no longer.

The *Speaker*: The subject to which the right hon. Baronet has now alluded, had engaged much of my attention; and, if he had not now brought it forward, I should have felt it to be my duty, on the first appointment of a Select Committee, to have stated to the House the evils arising from the indulgence given to witnesses in correcting their evidence. I have stated this, in order that the House may not suppose that I had been indifferent to so important a matter. The practice of allowing witnesses to revise their evidence leads to a great delay in printing, and, consequently, in the circulation of reports and evidence. This delay has led to many and just complaints, and during the two Sessions in which I have had the honour to sit in this chair, I have done all that was in my power, by communication with the Chairmen of Committees, to point out the necessity of reverting to a more correct practice. The extent to which witnesses have carried the alterations which they have made upon receiving their evidence, are such as appear to me to be quite indefensible. I shall refer to one case, in which a witness not only altered the answers he had given before the Committee, but he actually inserted questions to elicit answers illustrative of his own views. I have been assured that the statement which I now make is correct. In another case a witness lost the copy of his evidence, which had been sent to him for revision, and the report has now been printed, omitting altogether the evidence which he had given before the Committee. It must be obvious, that when alterations to so great and almost unlimited an extent are made in the evidence of witnesses, and without being brought under the consideration of the Committee, the opportunity of requiring and receiving explanations, by means of examination as to the new matter introduced, is wholly taken away from the Committee. The remedy for the evil is probably to be found in a vigilant control exercised by the Chairmen of Committees. If only very slight, or perhaps only verbal, alterations were permitted to be made, then they might be submitted to the Chairman, who might decide whether they ought to be sanctioned, or whether they are to be rejected as varying the effect of the evidence given before the Committee. If this control is not effectually exercised by Chairmen of Committees, it will then be necessary that recourse should be had to some stronger measures; but it is not desirable to pass resolutions in the House, when the end can be otherwise obtained. It appears to be so essential to sustain the accuracy and authenticity of the evidence given before Committees of this House, that I hope I shall be excused for having said so much on the subject.

Mr. *Charles Buller* still retained the opinion which he had expressed during the last Session—that the most effectual plan for the abatement of this nuisance would be to prevent altogether the correction of evidence. The only ground, as he understood, upon which the practice of permitting witnesses to revise their testimony could be for a moment justified, was the propriety of affording to persons examined before Committees the opportunity of correcting sentences hastily and unguardedly uttered. The plan which he would propose was to withhold altogether from witnesses the opportunity of making these corrections; and whenever an unguarded word was let fall, allowance would be made for the imperfection of unstudied style. If a different rule were adopted from that which he had the honour to propose, the Chairmen of Committees would of necessity be placed in circumstances of great difficulty. During the past Session it was determined by a Committee, of which he was a member, that no witness should be permitted to revise his evidence before it had been printed. The evidence was accordingly printed and sent to the witnesses for the purpose of revision. One witness, in performing this task, so far from confining himself to matters of style, altered almost every sentence, a process by which the meaning was in many instances materially changed. He (Mr. Buller) was consequently obliged to read from beginning to end of the witness's testimony, for the purpose of ascertaining where the alterations might be suffered to continue. The task was sufficiently troublesome, for the evidence extended over 30 or 40 folio pages. The best mode, in his opinion, of remedying this abuse, would be found in withholding from witnesses the privilege of correcting their evidence at all; or, if at all, they should be made to perform the task in the Committee-room, on the day of their examination. If the witness should be subsequently desirous to give any additional testimony, he would have only to come before the Committee and give it. But the system at present pursued, with regard to the correction of evidence, was in every respect preposterous.

An *hon. Member* said, that a Committee, on which he had sat for a considerable portion of the last Session, did not send in their report, with the corrected evidence annexed, until the month of October, although the Committee had ceased to sit before the prorogation of Parliament in August.

The *Chancellor of the Exchequer* deprecated the very improper use which had been repeatedly made by witnesses, of the privilege which was generally extended to them, of correcting their evidence. While, however, he fully concurred with the hon. Gentlemen who preceded him in reprobating these unjustifiable practices, he thought that the safest and most efficacious remedy would be found in the exercise of a vigilant control by the Chairmen of Committees. No hon. Gentleman could have had more numerous occasions of witnessing these improprieties than himself. Mistakes sometimes crept into the short-hand writer's notes; and in that case a correction was necessary; but this by no means implied the legitimacy of the extent to which witnesses frequently carried their alterations. The evil might be satisfactorily remedied by a little vigilance on the part of Chairmen. For his part, he had suffered from the inconvenience of evidence being thus altered at will; and had occasion, in one instance, to report to the House where the witness answered a question originally in the affirmative, and subsequently in the negative. Correction was in some instances undoubtedly necessary; but the Clerk of the Minutes, in submitting them to the consideration of the Chairman, should be bound to call the Chairman's attention to every correction introduced by the witness. The fact of the minutes of evidence being taken home by the witness out of the jurisdiction of the House of Commons was the foundation of all that was erroneous in the system. If the witness were assured of the fact that he would be compelled to submit every alteration to the Chairman's judgment, the evil would soon find its remedy; and no change would be introduced but such as common sense and sound judgment sanctioned. He remembered a case which had called forth his marked animadversion at the period of its occurrence. He alluded to the report of a Committee of which his hon. Friend (the Attorney-General) had been Chairman, in which the evidence as originally given, and as afterwards altered by the witness, was printed in parallel columns. He would not say that his recollection of the circumstance was perfectly accurate; but, at all events, if the exposure was made in the mode which he had stated, the proceeding was quite justifiable.

Mr. *Williams Wynn* entirely concurred with hon. Members in reprobating the latitude in which witnesses sometimes indulged, under pretext of correcting their evidence. He did not see how it was possible to preserve the purity of evidence, so long as these sweeping alterations were permitted. At the same time, he contended that it would be quite unfair to deprive the witness of the opportunity of rectifying errors for which he was by no means himself accountable. The evidence was taken in short-hand, and afterwards transcribed. It was impossible that during this process errors should not creep in. Mistakes had been frequently made, and the witness of course misrepresented. For these the witness could not be held responsible, and an occasional sinking of the voice on his part would of necessity create ellipses in the shorthand-writer's notes. The privilege of corrrection should be therefore afforded to the witness; but in the exercise of that privilege he should be restricted by a salutary control. He would instance the case of an election petition, where the evidence is taken in shorthand, and no opening is afforded for correction. He had no doubt, however, that if a witness stated to the Committee that he feared the Clerk might have committed an error of importance in taking some portion of his evidence, the Committee would direct the minutes to be altered accordingly. A similar procedure might be adopted by every other species of Committee.

Mr. *O'Connell* remarked, that hon. Gentlemen seemed to have overlooked a very important view of the question. It was in evidence before several Committees of the House that property and character might be alike assailed, as in his own case, by witnesses examined before Committees, while, as it at present stood, the law afforded no remedy whatever to the injured party. The witness enjoyed the utmost impunity; and the vilest character might be imputed to a man, and the falsest representations of him made; yet there existed no legal punishment for what was an undoubted crime. The course pursued in Committees of the House of Lords was very different. There the depositions were taken on oath; and an obvious remedy was thus afforded, for which in that House there existed no remedy at all. A power should be granted to proceed in such cases for misdemeanour against the party who wilfully and corruptly mis-stated facts; and the remedy which the criminal law permits should not be excluded from proceedings before a Committee of the House of Commons.

Mr. *Williams Wynn* apprehended that any prevarication or false testimony might be punished satisfactorily by the House in the event of its being proved to have been committed by a witness. It would be the bounden duty of the House, in such an event, to visit the guilty party with condign punishment.

Mr. *O'Connell.*—You are provided with the means of contradicting what the witness states. But take the case where witnesses contradict each other, or have come from distant parts of the country, and returned to their respective homes. In such a case, what remedy do you possess? I shall make the experiment of attempting to discover one, now that I have spoken of the subject.

Sir *Robert Peel.*—A great deal might be urged in favour of the position of hon. Members, who hold that no alteration whatever should be suffered in the minutes. In a criminal case you would not attach so much weight to evidence altered subsequently to its delivery as to evidence remaining in its original state. The effect of such a system would be to make the witnesses much more clear and careful in the formation of their answers. Their grammar, I have no doubt, would be much better attended to, and much of the laxity which now prevails among witnesses in giving their evidence, would possibly be removed for the future.

Sir *Robert Inglis* observed, with reference to a previous remark of the Chancellor of the Exchequer, that he knew of only one case in which a witness had been permitted to carry the copy of his evidence home.

Mr. *Hume* was of opinion, that if the evidence were printed exactly in the form in which it was taken down, the Chairman of the Committee would be able to judge in a moment whether the alterations introduced by the witness were merely verbal. It had fallen to his lot to find question and answer both so altered, as to involve a complete change of meaning.

Mr. *Ewart* remarked, that no alteration was ever permitted to be introduced into the notes of evidence taken in the courts of law; and that, as Committees of the House exerted a similar capacity to that of the courts of law, they should follow in this respect the example of the latter.

Dr. *Bowring* instanced a case of gross ignorance on the part of a shorthand-writer employed to take the evidence at a Committee upon East-India affairs. A witness speaking of the silkworm mentioned it by the scientific name "bombyx;" and when the evidence had been printed, the shorthand-writer was found to have described it as "all bombast." He thought that the witnesses should be allowed to read and correct their testimony under the surveillance of the Chairman.

Mr. *Hume* would propose, that every Member of the House of Commons should, on the next morning after the examination of a witness, receive a copy of the evidence, literally as it had been given. Each individual member would thus be a check on the Chairman, and this proposition (if acceded to) would have the effect of obviating the great mistakes which the shorthand-writers were in the habit of committing.

Sir *Robert Inglis* remarked, that if every member were thus furnished with an incorrect copy of the evidence, the errors which each copy contained would become immortalized.

The motion carried, and Committee appointed.

HOUSE OF LORDS,

Thursday, February 2, 1837.

MINUTES.] Bills. Read a first time:—Wills.

Petitions presented. By Lord STRAFFORD, from Leominster, for the Abolition of Church Rates.

NATIONAL EDUCATION.] Lord *Brougham* said, he had the honour to lay before their Lordships a Bill which he had introduced the Session before the last, but which was not pressed through the House —he meant a Bill for promoting education and for regulating charities. It was not his intention, on the present occasion, to trouble their Lordships with a detail of the Bill; it was similar to the one to which he had referred, but it contained two material additions. The object of the Bill was to establish a board for the purpose of superintending the application of the funds which from time to time Parliament voted; also, to regulate the administration of charity funds generally, and to prevent abuses therein. Of this board the President of the Council, the Lord Privy Seal, the Secretary of State for the Home Department, and the Speaker of the House of Commons, would be members. The material changes in the present Bill were, in relation to certain powers, given for the regulation of education, and in the next place for the regulation of charities. Their Lordships were aware that objections had been made to the previous Bill on account of its being supposed to have a mischievou effect on voluntary contributions for educational purposes; now the present Bill obviated that; and, indeed, there was no intention in the former measure, to supersede voluntary contributions. These alterations effected a considerable improvement in the Bill, and he was very sanguine in his belief that it would be of great benefit to education. There were other alterations which he did not think it necessary to advert to; and he would move that the Bill be now read a first time.

Read a first time.

LOCAL COURTS BILL.—PLURALITIES.] Lord *Brougham* said, he had now two Bills to introduce, but he should at present merely move their first reading, and should not proceed with them a further stage unless the measures for the improvement and better administration of the laws which his noble Friends, his Majesty's Ministers, were about to introduce to Parliament, should be, in his opinion, inefficient. The Bills which he had now to lay upon the table were these—the one to prevent pluralities, and the other to establish local courts. No change in the latter Bill had been made beyond a few verbal alterations. The Bill, as their Lordships were aware, had gone through several stages, and was lost on its third reading. True it was, there was a great difference of opinion in that House, whether such a measure ought to pass at all or not; but if one ought, then, as he understood the opinions of their Lordships, the present was the form in which it ought to pass. Undoubtedly, as regarded the numbers on the division on the third reading, there was a large majority against it. The noble and learned Lord concluded by moving that the Bills be read a first time.

Read a first time.

IRISH NATIONAL ASSOCIATION.] Lord *Cloncurry* wished, before their Lordships adjourned, to say a few words in reference to a circumstance which took place in that House on a former evening, when allusion was made to the National Association of Ireland, from which country he had recently arrived. No man lamented more than he did the necessity which had called that Association into existence; but, at the same time, he did not think that any noble Lord was justified in looking at it as an illegal or an unlawful association. He could speak of that association the more freely and impartially, inasmuch as he did not belong to it; and, in his opinion, it ought to be called a society for the vindication of Ireland, because it was in consequence of insulting, intemperate, and improper language having been used towards that country that it was first established. He cherished no feeling but for the prosperity of that country; and, if possible, he would conjoin that prosperity with the welfare of this country by a course of kind and beneficent policy. But it was quite impossible that that real affection or that warm feeling of mutual interest which it was so desirable to establish between the two countries could be maintained, if individuals came forward, he might say, to insult and libel a generous and high-minded people, because they struggled for those rights which had been unjustly withheld from them. That the National Association of Ireland, like all other bodies similarly situated, and similarly called together, had suffered language to be made use of which it would have been better to have avoided, he did not mean to deny; but still, their object was uniform, it was openly avowed, and he thought it was just. That object was, to get rid of one of the greatest misfortunes that afflicted the country, and which brought destitution on Ireland—he meant unlawful combinations amongst the industrious classes, which had never failed to produce ruin and destruction in all parts of the country where they prevailed. So far as he understood, the Association had instituted a class of persons to preserve the peace, to give good advice to the people; and, if the peace were not observed—if the peace were infringed, then to take measures for remedying the disorder. He wished that he could laugh when he spoke on the subject of Ireland. He saw nothing to laugh at in the situation of that country. It was no laughing matter; and he thought they would be acting most unwisely if respect were not paid to the just claims of that country. The National Association of Ireland, he was quite convinced, would dissolve itself if his Majesty signified his pleasure that it should be dissolved. But there was another institution, of which no notice had been taken—a very numerous institution, which, as it appeared to him, had assembled for an illegal purpose in Dublin—for the self-evident purpose, he would say, of exciting dissention and division amongst the people, if not disobedience to the law. Summoned by certain Peers, a meeting of Protestants took place in a room adjoining the Mansion-house in Dublin; and their Lordships might judge of what sort of a meeting it was, when he stated, that the Lord Mayor of Dublin, as he understood, refused to preside at that meeting, although he allowed it to be held in a room attached to the Mansion-house. At that meeting the most violent and rancorous demonstration of Orange feeling was exhibited. Orange flags were carried about in triumph; and some of the party would, it was said, have waited on the Lord-Lieutenant, in a boisterous and tumultuous manner, if they had not apprehended that they would have been met by another and a larger party, who professed different principles. This proceeding had, however, done considerable good, because it had induced many noble Lords, extensive landed proprietors, and many commoners, to come forward with their protest against such indecorous proceedings. The Duke of Leinster, that man so excellent in all the relations of life, called on the peers and gentry of Ireland to express their opinion, and to remonstrate on this occasion, and that call was triumphantly responded to. Thirty-four most influential Peers connected with Ireland joined with the noble Duke in his expression of dissent. He admitted, that amongst those who attended the meeting to which he had referred there were several highly respectable persons. He had heard, however, that they had put down Peers of thirteen or fourteen years of age to swell the numbers, and that some who formerly acted on the other side now took an adverse part, merely from carelessness and facility. The meeting was, however, guided by those who, over and over again, had raised a mighty clamour, and endeavoured to injure the Government, merely because that Government had, for the first time, endeavoured to do justice, and nothing more than justice, to Ireland. He had little communication with the Government of Ireland—he, of himself, knew nothing of what they were doing. He believed, however, that they simply wished to do justice to Ireland; and further, he believed that those who calumniated and spoke injuriously of them belonged to that party who had profited by bad government, and who had arrogated to themselves the spoils of a people who had been too long trampled on. All he asked for Ireland was justice. He called on their Lordships to look at the question calmly and peaceably; and, having so considered it, to do what was right to the people of Ireland. But if it were hoped that the people of Ireland should be re-conquered—if it were contemplated that they should be subjected to the coercion of the bayonet and the sword—it was impossible but that such a resistance would be made as would bring the states of Europe, and perhaps America, to join with and succour the oppressed. Called on as they were by his Majesty to consider the situation of that country, and to give an opinion on that subject, he entreated their Lordships to look forward to the true means of allaying irritation by seeking remedies for existing evils. Let them not imagine that a licentious soldiery could be let loose on a nation without going much further than those persons intended who first counselled such a course. They saw here a people possessed, in an eminent degree, of ingenuity and industry reduced to a state of destitution and degradation by bad government. How was this frightful state of things to be altered? The way, the evident way, to relieve that people was to give them education, which had been withheld from them in the most unfair manner—to give them employment, which they would be but too happy to receive—to give them also an adequate interest in the management of their own concerns, by imparting to them as large a measure of corporate reform as had been extended to England and Scotland. Further, by giving them an equitable and fair system of Poor laws, or rather a labour-rate; for the landed proprietors were, many of them, absentees, overwhelmed with distress and difficulties, and, with reference at least to them, a labour-rate would be the best measure that could be devised. If such relief as he had spoken of were given to the people of Ireland, it would render them tranquil and happy, and would produce incalculable benefits to the empire at large.

Lord *Brougham* wished to give his noble Friend (Lord Cloncurry) an opportunity of explaining an expression in his speech. He alluded to where he said that the present was the first Government that had endeavoured to do justice to Ireland. Now it would be recollected by the noble Baron, that Lords Wellesley and Anglesey had not long since held the reins of Government in that country, and he was sure he would rejoice in the opportunity of stating that in his place which he fully expressed in a letter lately seen by him (Lord Brougham), namely, a full acknowledgment of the great anxiety of the noble Lords to whom he alluded to do justice to Ireland. He thought an explanation due to the noble Lords—due to his noble Friend then at the head of his Majesty's Councils, Earl Grey; to the noble Lord who then held the office of Chief Secretary for the Home Department (Lord Melbourne), and to those who held the office of Chief Secretary in Ireland, as well as to himself, who at the time held a place of high trust as a servant of his Majesty. He was sure his noble Friend (Lord Cloncurry) would be glad of the opportunity of doing justice to those of whom he spoke. Perhaps the matter might be considered trifling, yet it would be well to correct any apparent errors, and not to allow any evil effects to follow.

Lord *Cloncurry* harboured no intention to insinuate anything against the conduct of the noble Lords who had been alluded to. He bore willing testimony to the humanity of the Marquess of Anglesey, and he believed that no man was more anxious to do his duty than that noble Lord was. But it was hardly necessary for him to state, what everybody knew, that the Marquess of Anglesey was counteracted in his efforts, and that he had received orders from his own secretary not to adopt certain measures which he contemplated. Still he endeavoured to do something, and he had some degree of success. Then there was the Duke of Northumberland, an intermediate Lord-Lieutenant, than whom he believed a man more zealous to do his duty never lived, nor was there a man for whom he felt greater respect. He, too, was prevented from acting as he wished. With respect to Lord Wellesley, he had always looked up to him as one of the first men of his age; but his noble and learned Friend must know, that Lord Wellesley was, in both his governments, counteracted in his endeavour to carry into effect those plans which he had prepared for the benefit of the country. He should be very sorry, in what he had said, to be understood as meaning to cast any reflection on the noble individuals mentioned by his noble and learned Friend. All that he meant to say was, that there never was anything like uniformity of action in the Government generally, having for its object justice to Ireland, until the present Administration came into power.

HOUSE OF COMMONS,

Thursday, February 2, 1837.

MINUTES.] Petitions presented. By several Hon. MEMBERS, from various places, for the total Abolition of Church Rates.—By Mr. WILKS, from Wickham and other places, for Abolition of Church Rates.—By Sir JAMES GRAHAM, from Longtown, for Relief of Hand-Loom Weavers.—By Sir FREDERICK POLLOCK, from Godmanchester, for Amendment of Municipal Corporations Act.—By Mr. WALLACE and Mr. FOX MAULE, from Greenock, Perth, and Chard, for Repeal of Duty on Soap.

REGISTRATION.] Lord *John Russell* rose for the purpose of moving for leave to bring in a Bill, to suspend for four months the operation of two Acts passed last Session, for the registration of births, marriages, and deaths. The Poor-law Commissioners had represented to him, that great inconvenience would ensue from putting these Acts in force at present, and they expected that by the 1st of July, about 1,300 parishes, not now in union, would be so, when the provisions of these Acts might be immediately carried into effect. This was a sufficient reason to induce him to postpone the operation of the Acts; and another was, that it would give those officers who were to carry the provisions of the Acts into effect, sufficient time to enable them to perfect themselves in the duties which, under the system of registration proposed in those Acts, they would be called on to perform. On these grounds, he would move for leave to bring in a Bill, to suspend the Acts of last Session, relating to the registration of births, marriages, and deaths, for four months.

Sir *Robert Inglis* wished the noble Lord had prolonged the term of their suspension. The object originally intended by those Acts was, the conciliation of the Dissenters: this object had not been obtained; and he could assure the noble Lord, neither had they conciliated the members of the Church of England.

Mr. *Wilks* must take leave to state, that the Dissenters expressed great gratitude to his Majesty's Government for those enactments, and though some few persons might differ from the general body, and think there were a few imperfections in them, yet these were like the spots on the sun, and he had no doubt the House would obliterate them.

Mr. *Baines* had heard a great deal on the subject of these Bills, and had always understood that the Dissenters, as a body, had accepted them, and felt grateful to Government for acceding to their wishes. Respecting the observation of the hon. Gentleman, he supposed that few Bills passed that House which gave entire satisfaction to all persons who were concerned.

Mr. *Potter* said, that the Dissenters of Lancashire and Cheshire had met at the Unitarian Chapel, Manchester, and had expressed their satisfaction with the Bill. He thought that the postponement might be productive of inconvenience to persons who were waiting to be married.

Mr. *O'Connell* had that morning had an interview with four prelates, of a religion that was deeply affected by the Bills. He thought that a little amelioration and amendment might be advantageously introduced, but that they were deeply grateful for what they had obtained. He spoke of the professors of a religion that was now much increasing.

Mr. *Ewart* said, that the Bills had given great satisfaction among his constituents.

Lord *John Russell* said, that however the hon. Baronet (Sir R. Inglis) might put himself forward as the organ of the University of Oxford, he hoped he would not again appear as the organ of the Dissenters of England.

Motion agreed to. Bill brought in, and read a first time.

SINECURE LAW OFFICES.] Mr. Sergeant *Goulburn* applied for leave to bring in a Bill to abolish certain sinecure offices in the Courts of King's Bench, Common Pleas, and Exchequer, and to make a more effective and uniform establishment of officers in those courts. As the Bill had passed that House last Session, and did not pass the other House, it was not necessary, on the present occasion, to go at length into the reasons that induced him to bring in the measure. He would simply state, that he brought forward this Bill, to carry into effect the recommendation of Commissioners, for the purpose of inquiring into the fees of the officers of the courts of common law. This subject had long excited the attention of the two Houses of Parliament, and many attempts had been unsuccessfully made to correct the evils that prevailed. The House was aware, that in the year 1830, the right hon. Baronet, the Member for Tamworth, introduced into that House a Bill for the purpose of ascertaining the value of all offices held by officers in the superior courts of common law. He did it as an experiment, for the purpose, as he stated in his very able speech, of preventing impediments at any future period of the progress of law reform, by their being constantly told, that the rights of officers interfered with legal reform. The right hon. Baronet's Bill, therefore, was to ascertain, once for all, what, at that period, was the value of those offices, in order that, in all times to come, there should be a certified value, which should be then paid to the holders of those offices, intimating to any future holders of those offices, who should be appointed subsequently, that their rights must not stand in the way of legal reform. These offices had undergone much inquiry; their value had been ascertained, and the purpose of the Bill which he was then seeking to introduce, was to get rid of, and to abolish them. He was quite sure that he needed to adduce no argument to induce that House to adopt a measure of such great importance—a measure which, he believed, had the sanction of all persons conversant with the subject. It was time they should get rid of all those offices which incumbered the administration of Government, and that the courts should be put on a better regulated system. There was the greater reason to adopt this course, as the experiment had been tried in the Court of Exchequer, by Lord Lyndhurst, who introduced a Bill for the better regulation of that Court, and the effect of that experiment had been of the most advantageous description. The object of the present Bill was, to carry into effect the Report of the Commissioners. It would not be necessary for him, on the present occasion, to dwell at any length upon it, as there would be many other opportunities of discussing it. He would, therefore, content himself with adverting to the grounds on which it had been rejected last Session, by the other House of Parliament. The House would recollect, that, up to a late period, it was the custom to pay certain fees to the Judges of the King's Bench, and they were allowed to dispose of, and make the subject of family arrangements, certain offices in the Court in which they presided; but by a Bill passed in the reign of Geo. 4th, fixed salaries were named somewhat commensurate to the dignity of the station in which they were placed. In that Act, the rights of certain officers then living were reserved, and the power of appointing to subordinate situations were still continued to them. In the Bill which he introduced there was a clause still reserving those rights; but an hon. Gentleman objected to it, and proposed, whenever a vacancy occurred in the offices, compensation should be made to the persons having the right of appointment, in such amount as the Lords of the Treasury might think fit; and it was settled that the Treasury should be compelled to give the right of appointment to those who then held it, or three-fourths of the value of the offices themselves. On the Bill going to the House of Lords, Lord Ellenborough objected to the clause, as it would place him, who held the office of chief clerk in the King's Bench, in an invidious position. Owing, therefore, to his opposition, and to the absence of common law Lords, the Bill was thrown out; but he hoped, that during the present Session, it would meet with a more favourable reception, as he introduced the clauses as it had originally stood.

Mr. *Hume* said, he did not rise to oppose the motion of the hon. and learned Gentleman; but he took that opportunity of asking, what steps had been taken to abolish the office held by the late Lord Rosslyn in the Court of Chancery in Scotland?

Lord *John Russell* said, that the Lords of the Treasury had taken the advice of the Lord-Advocate on the point of law, and that the regulation of that office was under their consideration.

Leave given.

MUNICIPAL CORPORATION ACT.] The *Attorney-General* rose, pursuant to notice, for the purpose of moving for leave to bring in a Bill to amend the Municipal Corporation Bill. There were certain irregularities in the elections under that Act which, unless the House passed some legislative enactment to remedy them, would be productive of great inconvenience. There were two boroughs—Rochester, and Newport in the Isle of Wight—in which corporations there was an equal number of votes for each set of aldermen; the consequence had been, that each party had been put to much expense, inconvenience, and loss of time. Processes had also been issued against unfortunate councilmen more than two terms after the period they had been bound to serve, which had put the individuals to both expense and inconvenience; he should, therefore, propose, that the Court of King's Bench shall not have the power to issue a *quo warranto* after the lapse of two terms from the period of election. He would not now discuss the matter further, but would merely move for leave to bring in a Bill to amend the Municipal Corporation Act.

Sir *William Follett* did not rise for the purpose of opposing the motion of his hon. and learned Friend, in the object of which he agreed, though he would not pledge himself upon the subject; but he rose for the purpose of expressing his hope that his hon. and learned Friend meant to introduce some clause which should make the mayors more responsible than at present; indeed, as the law now stood, there was no check whatsoever on that officer—his dictum being final. There had been many instances in which the assessors had decided differently, and he should like to see some alteration in the constitution of their courts—in each case he hoped his hon. and learned Friend would bring forward some proposition for remedying the inconvenience. As the Bill now stood he would not pledge himself to support it.

Leave given. Bill brought in and read a first time.

Criminal Law.] Mr. *Maclean* wished to know from the noble Lord opposite, (Lord John Russell) whether it was the intention of the Government to propose any alteration in the criminal law during the present Session? The commission had already cost the country 10,393*l*., and only two reports had as yet proceeded from it.

Lord *John Russell*, in reply to the question put by the hon. Gentleman, begged to state, that in the Report made by the Commissioners, at the close of the last Session of Parliament, many alterations of the criminal law were suggested, and more especially with respect to the punishment of death. As the Commissioners recommended that that awful punishment should be taken away from many offences that were now capital, he thought it was not a subject that ought to be left long in debate or dispute, and therefore that no step should be taken with respect to it until the whole of the criminal law could be altered in the manner proposed by the Commissioners. At the same time, he thought that the subject was one that ought to occupy the attention of the Government, and that the Government, if it should be in their power to frame any measure upon it, should lose no time in calling the attention of the Legislature to it. With that feeling, soon after the close of the last Session, he felt it his duty to refer to the reports that had been made upon the subject; and he wrote to the Commissioners, requesting them to furnish him with the heads of a measure on the criminal law, by which the punishment of death might be taken away from those offences which, in their opinion, should no longer remain capital. The Commissioners met at the end of October, to consider of his letter, and he believed it was discussed and considered by them at great length, and with great attention. Since that time he had been in frequent communication upon the subject with the Lord Chancellor and Lord Denman, the chief justice of the Court of King's Bench, and, as the result of his labours and inquiries, he hoped, in a few days, to be able to give notice of a number of Bills which he intended to bring forward, and which would make, as he conceived, very great ameliorations in the criminal law. As to the second part of the hon. Gentleman's observations, namely, the cost of the Commission, he had only a few words to say. He found when he came into office that a report had been presented by the Commissioners, and that it had fallen to the right hon. Gentleman, the Member for the University of Cambridge, who preceded him in his office of Home Secretary, to recommend to the Treasury a sum to be given to the Commissioners for their report. A certain sum was accordingly appointed by the right hon. Gentleman and when the next report came before him he saw no reason to alter the precedent established by his predecessor, and he accordingly recommended the Treasury to pay the Commissioners exactly the same sum as had been assigned to them by that right hon. Gentleman. He had no doubt but that this Commission, like many others, might be found, in some respects, to be expensive; but, without entering into the merit of other Commissions, he would say of this, that no subject could be more important for the Legislature of a country to consider, than the procuring good and efficient criminal laws; and he would say likewise, with great respect to those hon. Gentlemen who had undertaken to reform particular parts of the criminal law, that it would be better that the Legislature should come to the consideration of the subject, having before them the mature and deliberate opinions of professional men, who, acting as Commissioners, had conducted a careful inquiry into the whole of the matter, rather than that measures should be brought forward of individual Members dealing only with one particular class of offences, mitigating the punishment of death as regarded that class of offences, and leaving others, perhaps of a slighter character, still liable to that awful punishment. These were all the observations that he felt it in his power at that moment to make upon the subject, and he trusted that the hon. Gentleman would feel satisfied with them.

Mr. *Maclean* explained, that it was his intention not to object to the expense of the Commission, but to call the noble Lord's attention to the fact, that nothing had yet resulted from the labours of the Commission.

Subject dropped.

HOUSE OF LORDS,
Friday, February 3, 1837.

MINUTES.] Petitions presented. By several noble LORDS, from various places, for the Abolition of Church Rates.

ANSWER TO THE ADDRESS.] The Marquis of *Conyngham* announced, that in obedience to their Lordships' commands, he had waited on his Majesty with their Lordships' Address, to which his Majesty had been pleased to return the following most gracious answer:—

"My Lords,—I thank you for this loyal and dutiful Address, and rely with entire confidence on your attachment to my person and Government, and on your enlightened zeal for the public service."

HOUSE OF COMMONS,
Friday, February 3, 1837.

MINUTES.] Bills. Read a second time:—Registration of Marriages.—Read a first time:—Common Law Courts; Grand Juries (Ireland); Lease-making (Scotland); Court of Session (Scotland); Small Debts (Scotland).

Petitions presented. By several Hon. MEMBERS, from various places, for the Abolition of Church Rates.—By Mr. W. WYNN, from the Overseers of various places (Wales), for Repeal of the Bastardy Clauses.—By Sir ROBERT FERGUSSON, from the Medical Superintendants of Dispensaries (Tyrone), for the Repeal of the Clause relating to the Salary of Medical Attendants.—By Dr. BOWRING, from Perth and Dumbarton, for the Repeal of the Duty on Soap.

Lord J. Russell moved the Order of the Day for the House to go into a Committee of Supply; which was agreed to, and the Speaker left the Chair.

NATIONAL ASSOCIATION (IRELAND).] The House having resolved itself into a Committee of Supply,

The Chairman having read part of his Majesty's Speech relating to the estimates, put the question, "That a supply be granted to his Majesty,"

Mr. Sergeant *Goulburn* would ask the noble Lord one question concerning Ireland. He (Mr. Sergeant Goulburn) deeply deplored—and he wished to know if the noble Lord had any objection to state a similar opinion—the existence of an association in that country, called the National Association; he wished to know if the noble Lord concurred in that opinion. He had witnessed with great regret the existence and the control of an association in that country that was incompatible with the rights of that House, which was adverse to the administration of justice in Ireland, and of which, on many accounts, he cordially disapproved. He thought the noble Lord, connected as he was by office with Ireland, would feel obliged by his thus giving him the opportunity of telling the House and the country what was his opinion on this subject.

Lord *J. Russell* said, he did not think it was convenient to state whether he concurred or not in the opinion expressed by the hon. and learned Gentleman on the National Association in Ireland.. He did not conceive that this was a fit opportunity for the discussion; but he would give the hon. and learned Gentleman an opportunity of hearing his opinion on Tuesday night, when he brought in the Municipal Corporations Bill for Ireland. He would then state to the hon. and learned Gentleman his opinion, for which he was responsible; but he could not now state how far that opinion might coincide with that which the hon. and learned Gentleman had just expressed.

Mr. Sergeant *Goulburn* was strictly in order, on a motion for supply, to ask any Member of the Government if he concurred in any opinion which had been expressed by the Prime Minister respecting the Association—to ask if the noble Lord were bound by the opinion of the head of the Administration of which he was a part, who cordially disapproved of the National Association. He thought also that it was worthy the consideration of the House if he had, in asking this question, transgressed any of its rules. With deference to the noble Lord, he must say, that the answer he had received was no answer, but had rather the appearance of an evasion.

Mr. *Hume* said, that he thought the hon. Gentleman had got as good an answer as he had a right to expect. He had never before heard such a question asked. He did not know if the Prime Minister had ever expressed such an opinion; if he had, he could only say it was an indiscreet one. He did not know of what the hon. and learned Member disapproved; but, judging by the public and ordinary channels, he highly approved of the Association. He could tell the hon. and learned Gentleman, that Ireland had never before been so quiet under any other Government; and no credit was due to anything except the moral influence that had been exercised: it had been the moral influence of the Viceroy, and the people had rallied round, and were prepared to stand by him. Whenever the hon. and learned Member should bring the question before the House, he would not find himself in a majority. He would find individuals of exalted rank joining the Association; and he would never believe but that the people of Ireland would see the necessity of uniting, and of rallying round the association in its efforts for their welfare.

Mr. *O'Connell* not only highly approved of what had been done by the Association, but he had heartily joined in it. He did not know whether the opinion alluded to by the hon. and learned Gentleman had been delivered or not by the Prime Minister—nor did he much care. He rather feared that it had been exaggerated. At all events, he was highly delighted with the proceedings of the Association; and when any specific charge was brought against it, he would be prepared to satisfy the country that it was not only legal, but had been most useful. The Association had this feature about it, that, whereas the Catholic Association had not one-fourteenth of its number Protestant, this association, on the contrary, had more than one-third of its members Protestant, and those, too, men of rank, property, and intelligence; and the number was increasing every day. This afforded a hope that Ireland would at length become one country, instead of being divided into a faction on the one hand, and the people on the other. The proceedings in that association were open as day—they courted publicity in every discussion—and he would say, that he believed the utmost possible facility was given to every person to know what was done amongst them. That association had sprung from a just sense of wrong, aggravated by insult. There had been found men audacious enough to assert that Irishmen were aliens in religion, in language, and in blood. There had been found a party atrocious enough to join with the individual who had dared to make use of that insult; and though the blood of Irishmen boiled, yet they had learned in the school of adversity to control and regulate their feelings. That association was determined to obtain justice. They were determined to obtain an equalisation in the privileges enjoyed by Scotchmen and by Englishmen; and if they could not obtain justice otherwise, they were determined to have it by a domestic Legislature. The Union should not be a mere paper and parchment union—it should not be a union of insult and degradation. The people of Ireland hoped for justice in a complete union; and if they could not obtain a complete union, he would never despair of the exertions of seven millions of men in obtaining justice for themselves.

Mr. *Shaw* said, that although it was an inconvenient practice to indulge in incidental discussion, yet he could not allow any person to suppose, by his silence, that he acquiesced in the sentiments of the hon. and learned Gentleman. It appeared to him, that the existence of the Association was inconsistent with the peace of Ireland. The Association assumed to itself the functions of Parliament, and was inconsistent with the rights of that House. The hon. and learned Gentleman charged others with using insulting language; he had himself repeatedly called the English Saxons, sassenachs and strangers. And with regard to the hon. and learned Member's observations on the union, had he not said, over and over again—he could show, that the hon. and learned Gentleman had written the same thing—that, under any circumstances, he would not be content without the Repeal of the Union? He could produce the words of the hon. and learned Gentleman, in which he said, that he neither could nor would be content with any other measure than the Repeal of the Union. In his conscience he believed, that the object of the Association was to impede the union between the two countries, and to overthrow the established religion.

Mr. *O'Connell* said, he did not stand in the same situation as the hon. and learned Recorder. He was merely a political agitator, but the hon. and learned Recorder was a political judge; he combined the functions of judge and partisan. When the hon. and learned Member again quoted him, he begged that the quotation might be accurate. At different periods he might have said, that he no longer looked to this country for justice; since then he had entertained some remnant of hope; and even if this country did not grant them justice, he would not despair.

Lord *John Russell* did not rise to reply to the hon. and learned Gentleman opposite. He wished to state again, and he thought it was incumbent on him, in justice to Lord Mulgrave's Government, to do so, particularly as no notice of censure on Lord Mulgrave had been given which would bring the question before the House, that on Tuesday next, when he introduced the Municipal Corporations' Bill, he would state the whole case of the Irish government; he would now only add, that for every act of that government he held himself fully responsible.

Mr. *O'Brien* felt the inconvenience of discussing this subject at present, but he should not be doing justice if he did not refer to the policy that had been pursued last year by the party opposite. If the same policy were now pursued, it would go far to unite all Irishmen; and the question would then be considered whether the rights of Ireland should not be granted even by a Repeal of the Union. He called upon the party opposite not to repeat the fatal policy by which Catholic Emancipation was wrung from them.

Resolution agreed to. House resumed.

GRAND JURIES (IRELAND).] Viscount *Morpeth* rose to move for leave to bring in a Bill to amend the Grand Jury Act for Ireland. As the amendments now proposed did not embrace any new matter, and were entirely formal, it was not necessary to go into any details. He would merely state that the Bill, with one exception, was the same as the Bill of last year, and he anticipated no opposition to it. He moved for leave to bring it in.

Mr. *Shaw* said, the object of the noble Lord was one unconnected with politics, and that he should make no objection to the introduction of the Bill proposed by the noble Lord. The Grand Jury Bill of last year certainly required amendment, particularly in the two points mentioned by the noble Lord—the provisions for dispensaries, and those which related to deserted children; he thought it right, also, to put beyond a doubt, that last year's Act was not intended to bring the county and city of Dublin within its operation.

Mr. *O'Connell* thought, some provision should be made in this Bill to regulate medical charities, as in those districts of Ireland where medical advice was most wanted, it was impossible to procure an adequate salary for a medical attendant. He had great doubts on the clause respecting deserted children. The evils that had resulted from the establishment of the Foundling Hospital at Dublin were so enormous as to necessitate the breaking up of that establishment. The frauds had been found to be so numerous, that he thought it better to trust to individual charity. He should have a better opportunity of discussing this subject when the noble Lord brought forward his Poor-law Bill for Ireland.

Mr. *F. French* acknowledged the necessity of some part of the measure then before the House. Unfortunately, the Act of last Session was so defective, that if some of the provisions of the Bill now introduced by the noble Lord were not adopted, the salaries of the county-officers would have to remain unpaid, and the public roads and the remainder of the county expenditure unpresented for. By the law, as it at present stood, the Spring Grand Juries would not have the power to levy money for any presentments that were obliged, in the first instance, to be laid before the cess-payers at each Sessions. He was also aware of the necessity of a clause to regulate the posting of notices for applications, which, by some strange oversight, had been altogether omitted. So far he was willing to go with the noble Lord, and regretted that, consistently with his duty to his poorer fellow-countrymen, he could support him no further. Had his noble Friend read the Report of the Commissioners on the state of dispensaries in Ireland, he would have known it was anything but desirable, as he, by this Bill, was about to do, to restore them to their original state. For his part, he would sooner abolish them altogether. He did not, generally speaking, consider them to be serviceable to the people, 60*l.* or 70*l.* a-year was, in many instances, paid for distributing 10*l.* or 20*l.* worth of medicine; the continuance of this system had been decided against by the House last Session, notwithstanding the able advocacy of the hon. Member for Cork, and without any experience of the effect of the alteration, which was, that not more than half the amount of the entire income of the medical chests should be allotted to the physician. The noble Lord was about to re-establish it; he did not mean to deny that there were highly educated and intelligent men amongst those by whom the dispensaries were managed, but there were also many perfectly imcompetent. The first class, he considered, were by no means adequately remunerated; they could not in justice to their families give up sufficient time to discharge the duties of their districts for the paltry stipend allotted to them. The employment of the second class ought not to be suffered to continue; it would be much better for his Majesty's Government to introduce a Medical Reform Bill, to intrust the health of the agricultural population to none but competent persons, and to make their remuneration ample, than attempt to patch up a system which could never, under any circumstances, be rendered efficient.

Leave given, and Bill brought in and read a first time.

LEASING-MAKING, SEDITION, &c., (SCOTLAND).] The *Lord Advocate*, on introducing this Bill, said, that the criminal law of Scotland was in general mild, and gave great advantages to the prisoner in conducting his defence; but the general character of the law of Scotland differed very much in the punishment of political offences from the disposition it showed in repressing other crimes by moderate penalties. Both the statute and common law were of great severity, and so extremely vague, that no person, however circumspect, who differed from the Government of the time, could be said to be secure. To refer only to one statute—that of 1585, cap. 10, forbade any person publicly to declare or privately to speak or write any purpose of reproach or slander of his Majesty's person, estate, or government; or misconstrue his proceedings, whereby any disliking may be moved between his Highness and his nobility and loving subjects, in time coming, under pain of death. The statute 1594 ratified this and all other statutes, and enacted the same penalties against whoever heard these leasings, calumnies, or slanderous speeches, or writs, and did not apprehend the authors if it lay in his power, or reveal the offence to the Crown or a magistrate. These severe laws unfortunately did not remain a dead letter. In 1635 Lord Balmarino was found to have incurred the penalty of death, on a conviction of having only heard an infamous libel and concealed and not revealed it; and in 1681 the Earl of Argyle received sentence of death on the Act of 1585, for having merely added this explanation at taking the test oath, that he took it so far as was consistent with itself, or with the Protestant religion. This was held to be defaming the King's laws and proceedings, contrary to the statute. In 1703, after the Revolution, the severity of these laws was relaxed so far as regarded capital punishment; but the law of Scotland remained on the same footing from 1703 until the 6th Geo. 4th. The improved feelings of the age led to that very important statute which lays down the great principle, which cannot be too strongly kept in view, that the crimes of leasing-making, sedition, and blasphemy, should be punished in the same manner as such crimes would be punished if committed in England. At that time the law of England with regard to blasphemous and seditious libels rested on a statute passed in the 60th year of George 3rd., which provided that if any person shall be convicted a second time, he might either be punished by fine and imprisonment, or banished from the United Kingdom. The 11th of George 4th, and 1st of his present Majesty, repealed that part of the 60th of George 3rd, which related to the sentence of banishment for the second offence; but hitherto no measure had been proposed, as far as he (the Lord Advocate) was aware, for making the corresponding change upon the 6th of George the 4th, with reference to the law of Scotland. I may be thought, perhaps (continued the learned Lord) somewhat unnecessarily to have referred to the severity of the old laws, and the judgments pronounced in bad times, but they ought not to be lost sight of at the periods most favourable to the liberty of the subject; and the enactment of the 6th of George 4th cannot be too strongly kept in view, both as a protection to those political rights which every person ought to enjoy in Scotland as well as in England, and as a safeguard to the court and jurymen, who are placed in a dangerous and painful position when called upon to execute laws of great severity and extremity vague in their enactments.

Mr. *Hume* approved of the introduction of the Bill, which would preclude all possibility of the present severe enactments being again enforced, as they had been against the early Reformers of the last century.

Mr. *Wilks* wished the Government to bear in mind, that laws of extreme severity still existed in England. By an unrepealed statute of Charles 2nd, no person could be a professor in any college unless he signed a declaration that he had adhered to the religion of the Established Church.

The *Attorney-General* was understood to state, that the hon. Member for Boston did not put a right construction on the statute to which he alluded, and that if there was the slightest ground for supposing that its penalties were as severe as had been represented, he would undertake to bring in a Bill for its repeal.

Leave given. Bill brought in and read a first time, as well as Bills to make alterations in the duties of the Lords Ordinary; in the establishment of clerks and officers of the Court of Session and Court of Commission for Teinds in Scotland, and to reduce the fees payable in those courts; and effectually to recover Small Debts in the Sheriff Courts, and for establishing Circuit Courts for the trial of small debt causes by the Sheriffs in Scotland.

COURT OF EXCHEQUER, (SCOTLAND).] Mr. *Robert Steuart* moved for leave to bring in a Bill to regulate certain offices in the Court of Exchequer in Scotland. We understood the hon. Gentleman to state, that the object of the proposed measure was to effect the consolidation of certain offices of the Court of Exchequer, by which arrangement the business would be better, and at the same time less expensively, performed.

Sir *George Sinclair* had no objection to the introduction of this Bill, or to the consolidation of offices which it was intended to effect; but he took the earliest opportunity to intimate, that an esteemed friend of his, who now held one of the appointments in question (he alluded to Sir Henry Jardine), had been exposed to much tyranny and intimidation. Sir Henry Jardine was still in full possession of his mental and bodily energies: he had meritoriously served the public during a long course of years, as was attested by Sir S. Shepherd, the late Chief Baron of Scotland, and other competent judges; and instead of being desirous to retire, he had offered to discharge, on his present salary, the functions of the two consolidated offices, which he believed would be far less laborious than that of the single appointment which he had held so long. Sir Henry had not applied for leave to resign; he had no desire whatever to eat the bread of idleness; he was fond of business, as well as fully competent to discharge it; he challenged the fullest inquiry, and should be happy to meet it as soon as possible; he complained with deeply wounded feelings of the manner in which he had been treated by the Treasury, and of the expressions employed towards him in his correspondence with that Board; and it was believed, in many quarters, that one object of the new arrangement was to dispossess this efficient and experienced public servant, for the purpose of substituting a less eligible person (as far as the public interests are concerned) in his place. Unless, therefore, such a case should be established against Sir Henry as he felt confident could not be made out, he trusted that a British Parliament would do justice to Sir Henry, and intimate their concurrence in the opinion he had expressed that the new office should be conferred on one who, from his talents and character, as well as from his long acquaintance with the details of the business transacted in the Exchequer Department, was so well qualified to discharge its duties.

Sir *George Clerk* wished to call the attention of the House to the conduct of his Majesty's Government. It appeared that two offices in the Exchequer Court of Scotland were about to be consolidated, and that the duties of the consolidated office were in future to be executed by one individual. Either of the gentlemen now engaged in the transaction of the business of the two offices was able and willing to undertake the performance of the duties of the consolidated office; yet the Government proposed to remove both of those Gentlemen from the public service, to pay them remuneration, and to appoint a stranger to the new office. Consequently, the contemplated arrangement, instead of effecting a saving, would entail an increased expenditure upon the country.

Mr. *Francis Baring* understood the hon. Baronet to state that either of the Gentlemen at present transacting the business of the two offices, which it was proposed to consolidate, was willing and able to discharge the duties of the new office, and that, therefore, whatever arrangement might hereafter be made, one of them ought to be retained in the public service. He was quite willing to take issue on that point; for he thought that, when new arrangements were to be made, a discretion ought to be allowed to the Government as to the expediency of continuing persons in the public service when they were not properly qualified. The proposed arrangement would effect a saving, even after the payment of remuneration to the present office holders.

Mr. *Hume* was glad that the right hon.

Baronet (Sir G. Clerk) had succeeded in drawing the attention of the House to the subject, which it must be admitted was no slight difficulty, seeing that the general noise that prevailed was so great that not a word of the two preceding speakers (Mr. Steuart and Sir George Sinclair) could be heard even by those who, like him, were but a very short distance removed from them. When the right hon. Baronet alluded to the principles of economy professed by those who sat on that (the Ministerial) side of the House, he (Mr. Hume) would assure the right hon. Baronet if he were disposed to become a convert to those principles himself, that he might calculate with security on the support of those with whom he was in the habit of acting. If any such improper or imprudent proceedings as those described by the right hon. Baronet were proposed to be adopted, it would certainly be the duty of the House to interfere and prevent them. At the same time he could not help thinking there was some truth in what had been stated by the right hon. Gentleman (Mr. F. Baring) below him. It would be very improper if the men who were responsible for the due performance of the duties of any particular office should not be at liberty to appoint those only whom they conceived to be fully competent.

Major *Beauclerk* thought, that the only justification the Government could have for the appointment of a new officer was the circumstance of both the gentlemen to whom allusion had been made being totally unfit for the duty, and in such a case they would not be entitled to any compensation whatever.

The *Chancellor of the Exchequer* should have left the case as it was until the discussion on the second reading of the Bill, but for the observation of the hon. and gallant Member who preceded him. He (the Chancellor of the Exchequer) did not admit the principle on which that hon. and gallant Officer had based his argument. It was a case of frequent occurrence that, on a change such as the one in question, a man competent to perform the oaths of an office of a particular description—nay, who had discharged it competently through the latter part of a life devoted to it—was found quite incompetent to discharge the enlarged duties of another office. With respect, however, to the facts, he did not think it necessary to look into them after what had been stated by the Secretary for the Treasury. He joined with his hon. Friend in saying that in any examination which should be called for on this subject by hon. Gentlemen opposite, they should be indulged to their very hearts' content. They should have the papers; and if the papers were not sufficient they should have what appeared in a matter of this description, where it was necessary to have an investigation of the facts, and which assumed the character of a judicial proceeding, they should have a Select Committee. The hon. Member for Middlesex (Mr. Hume) might, if he chose, apply his acuteness and knowledge to the subject as a member of that Committee, as far at least as his vote was concerned. The hon. Baronet, the Member for Edinburghshire, should have the fullest opportunity of inquiring into the facts. He would say, that the imputations thrown out in the course of the investigation were only just if the facts supported them; but hon. Members should not have reason to complain that they had been deprived in a matter of this nature of the opportunity of contradicting it if possible. The Government had had, before now, to consolidate offices. Since Parliament had last met he had had to consolidate two most important offices the Army and Navy Pay offices. It was a painful duty to him, because it affected the future prospects of an individual; but when the Government laid before the House the consolidation which they had made he would invite hon. Gentlemen to say whether, in those arrangements, favouritism had taken place—whether there had been any discharging of old servants for the purpose of placing in their stead new ones as long as they had been competent to perform the duties of their office. The consolidation of offices had taken place in the Government of Lord Grey, and it had been continued in that of Lord Melbourne; and persons who had been in the public service had alone been discharged on the principle that they were incompetent to perform their duties. In the present case it was entirely a matter for investigation whether the individual was or was not properly competent to fill the situation he had held. If he was, then Government certainly had no right to appoint a successor; but if he was not competent, then he would say, in contradiction to the gallant Officer, that it would be the worst possible economy to continue this officer, who was incompetent to perform his duty in his office, merely for the purpose of saving a few pounds. He hoped, as far as the Government was concerned, that it would be considered that they had met this case fairly. They were willing to give all the information that could be given, and to try it before any tribunal it might suit the convenience of the House to appoint. With this explanation he trusted that the House would not agree with the observations that had been thrown out by the hon. Baronet, or lightly adopt the insinuations thrown out on the other side.

Mr. *Robinson* trusted the case to which attention had been called would be settled, not with reference to one side of the House or the other, but with reference solely to the public interest. He was ready to admit, that it would be miserable economy to retain incompetent persons in the public service; but if, as had been stated, either of these gentlemen to whom allusion had been made was willing and able to discharge the duties of the new consolidated office, the Government would be highly censurable if they gave the appointment to a stranger, and thus fix a new burden on the country. As the character of the Government was involved in the transaction, he should watch their conduct closely and jealously, and he considered that upon them was thrown the *onus probandi* that the gentlemen employed in the two offices about to be consolidated were unfit to transact the business of the new office.

Sir *G. Sinclair* felt it only due to Sir Henry Jardine to repeat, that that gentleman was fully qualified for the new office, and that he courted the fullest investigation.

Leave given, and Bill brought in and read a first time.

MIDNIGHT LEGISLATION.] Mr. *Brotherton* rose, pursuant to notice, to bring forward his motion respecting the time of sitting of the House. He said, that the motion which he had now the honour to submit to the consideration of the House was in his judgment so necessary, so reasonable, and so important, that he could not anticipate any opposition to it. He should only trespass on the indulgence of the House for a very few minutes, while he stated the grounds on which he claimed their support. No one could deny that the late sitting of the House had been very injurious in its effects to the health of the Members, and particularly to that of their Speaker, who was compelled to remain there on all such occasions to a very late hour. He had no hesitation in stating that the interests of the country would be promoted, if midnight legislation was entirely put an end to. No legislative assembly that he knew of in any part of the world transacted its business at night; and he saw no reason why that House should be an exception to all others, by continuing its late sittings. He was aware that an objection might be raised to any fixed hour for the adjournment of a debate; but it was well known that, at present, many hours were wasted upon the question of adjourning, and dividing upon that motion. His plan was free from objection, because he only proposed not to enter upon any new matter after twelve o'clock; and he hoped the House would adopt formally that change which, as far as he was able to effect it, he had endeavoured to bring about. He proposed that the debate should be adjourned upon the motion of any individual Member; but he wished that the other Orders, to which no opposition was given, might be proceeded with. Much time would be saved by this plan—there would be no partiality in it—and indeed he would say, that in all the motions whtch he felt it to be his duty to make for the adjournment of the House, he was not actuated by any feeling in favour of one side cr the other, though he might hear with greater pleasure the arguments of Members on the Ministerial rather than on the Opposition benches. He hoped the House would sanction the proposition with which he should conclude—namely, "That it being desirable, except in particular cases, that the sittings of this House should not be continued after midnight, when any motion is brought on for discussion after twelve o'clock at night, and a Member rises to speak to order, and moves that the further debate on such question be adjourned to a future day, Mr. Speaker shall immediately declare the debate adjourned, without putting the question to the House, and proceed to the other Orders of the Day."

Mr. *Ewart* seconded the motion. He thought its adoption would materially benefit hon. Gentlemen, and would be of great advantage to the country. The present system fell very unequally upon hon.

Gentlemen, and those who represented large constituencies were, he should say, much more attentive to their business than those returned for small places. Some hon. Gentlemen opposite were not very particular in being in their places at late hours, except a few who deserved the name of his Majesty's Opposition. Late hours, therefore, were not only injurious to the country, and detrimental to legislation in that House, but they were oppressive by their inequality; and his hon. Friend the Member for Salford, and other hon. Members, who sat long after midnight, came in for an undue share of exertion, of which they had a right to complain. He was convinced that justice would never be done to the country, until a portion of the day was devoted to the duties of legislation; and the best thing that could be done would be to devote two or three days in the week to the business of the House, instead of proceeding with nocturnal legislation. He trusted that the House would not stop with the present motion, but would go much further, as well for the benefit of the House as the satisfaction of the nation.

Lord *John Russell* was not prepared to concur in the motion of the hon. Member for Salford, because the effect of it would be to take away all discretion on the subject from the House. The practice during the last Session had generally been to adjourn the House about twelve o'clock; but there were cases when it was important that public business should be proceeded with; and when it was the opinion of the House that the business before it required such despatch, he thought the hour at which the business was brought forward ought not to form an objection to the progress of important business. According to the motion of the hon. Member, if any hon. Gentleman wished to obstruct the progress of a particular Bill, it would be in his power, by moving an adjournment after twelve o'clock, to put a stop to the business before the House, and thus materially delay, and perhaps eventually defeat it. The hon. Member for Salford had last year frequently moved the adjournment of the House, and he had never opposed the wishes of the hon. Member; on the contrary, he thought the hon. Member had exercised his power with admirable judgment, and he did not wish to interfere with the hon. Member's discretion hereafter. But, at the same time, he did not like to have any fixed and settled rule to prevent the public business going on, particularly as, after all these adjournments, they had not got through so much business as they might have done if they had sat later. He did not wish to interfere with the motions which the hon. Member might make from time to time for the adjournment of the House; but he could not agree to his present motion, because, as it appeared to him, it must cause an obstruction to the public business.

Mr. *Hume* declared that a great deal of time had been lost last Session in consequence of debates arising upon the very motion for adjournment. In particular cases, he admitted it would tend to the advantage of the public that the business before the House should be proceeded with after twelve o'clock. What was asked by the motion was, not to stop a debate which was going on before twelve o'clock arrived, but to prevent the discussion of fresh business after that hour. It was absolutely necessary that some Members should be present all the time the House was sitting, and many others wished to be present, and as many of them came down at eleven or twelve o'clock in the day and were obliged to stop till the House rose, he would ask whether an attendance of twelve or thirteen hours was not enough for any man? He really thought that more progress would be made if the motion was agreed to, so that after twelve o'clock no new matter should be brought on.

Mr. *George F. Young* would support the proposition, because the value of legislation should be tested, not by its quantity, but by its quality; and so far as his experience went, all the worst measures which had passed through that House had passed after midnight. Measures which were brought forward after twelve o'clock did not get that calm consideration which was required, and the consequence was, that many of them were extremely discreditable to the character of the House.

The House divided:—Ayes 61; Noes 147: Majority 86.

List of the AYES.

Baines, E.
Beauclerk, Major
Bentinck, Lord W.
Blackburne, John I.
Blake, M. J.
Brabazon, Sir W.
Brady, Denis C.
Bridgman, H.
Browne, R. D.
Buckingham, J. S.
Chaplin, Colonel
Chapman, Aaron
Chichester, J. P. B.
Elphinstone, H.
Fielden, J.
Fitzsimon, Chris.

Gisborne, T.
Grattan, Henry
Gully, John
Hall, B.
Hardy, J.
Harvey, D. W.
Hector, C. J.
Hindley, C.
Hogg, J. W.
Hume, J.
Humphery, J.
James, W.
Jephson, C. D. O.
Lambton, Hedworth
Leader, J. T.
Lennox, Lord G.
Lister, E. C.
Lynch, A. H.
Marsland, H.
Molesworth, Sir W.
Mullins, F. W.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Conor, Don
Potter, R.
Roche, D.
Roebuck, John A.
Ruthven, E. S.
Tancred, H. W.
Thomson, C. P.
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Walter, John
Warburton, H.
Wason, R.
Whalley, Sir S.
Wilbraham, G.
Williams, W.
Young, G. F.

TELLERS.
Brotherton, J.
Ewart, W.

List of the NOES.

Adam, Admiral
Agnew, Sir A. bart.
Alsager, Captain
Angerstein, John
Arbuthnott, hon. H.
Bagot, hon. W.
Ball, N.
Baring, F.
Baring, T.
Barnard, Edward G.
Beckett, Sir J.
Bell, M.
Bellew, Rich. M.
Bentinck, Lord G.
Berkeley, hon. C. C.
Bewes, T.
Biddulph, Robert
Bolling, Wm.
Bonham, R. Francis
Borthwick, Peter
Bruce, C. L. C.
Buller, Sir J. B. Yarde
Byng, G.
Canning, hon. C.
Canning, Sir S.
Chalmers, P.
Clay, W.
Clerk, Sir G.
Corry, hon. H. T. L.
Cowper, hon. W. F.
Curteis, E. B.
Dalbiac, Sir C.
Dalmeny, Lord
Davenport, John
Divett, E.
Donkin, Sir R.
Dundas, hon. J. C.
Dundas, J. D.
Dunlop, J.
Eaton, Richard J.
Egerton, Wm. Tatton
Elley, Sir J.
Ellice, E.
Fazakerley, J. N.
Fector, John Minet
Fergus, J.
Ferguson, R.
Fergusson, R. C.
Fitzroy, Lord C.
Fitzsimon, Nicholas
Follett, Sir W. Webb
Forbes, Wm.
Forester, hon. G.C.W.
Fort, J.
French, F.
Gaskell, J. Milnes
Gordon, R.
Gordon, hon. W.
Goring, Harry Dent
Goulburn, Sergeant
Graham, Sir J.
Grattan, J.
Grey, Sir G.
Grosvenor, Lord R.
Hamilton, Lord C.
Hanmer, Sir J. bart.
Hardinge, Sir H.
Harland, W. Charles
Hastie, A.
Hawes, B.
Hawkes, Thos.
Hay, Sir A. L.
Hodgson, J.
Holland, Edward
Hope, hon. James
Horsman, E.
Houstoun, G.
Howard, R.
Howick, Viscount
Jackson, Sergeant
Ingham, R.
Jones, Wilson
Irton, Samuel
Kearsley, J. H.
Knatchbull, Sir E.
Lefroy, Thomas
Loch, J.
Lucas, Edward
Lushington, Charles
Lygon, hon. Gen.
Maclean, D.
M'Leod, R.
M'Taggart, J.
Mangles, J.
Marjoribanks, S.
Marshall, William
Maule, hon. F.
Maunsell, T. P.
Mordaunt, Sir J. bart.
Moreton, Lord
Neeld, John
O'Ferrall, R. M.
Oliphant, Lawrence
Oswald, James
Parker, John
Parrott, Jasper
Pattison, J.
Pease, J.
Peel, Sir R., bart.
Pemberton, Thomas
Philips, Mark
Pigot, Robert
Power, J.
Pringle, A.
Pryme, George
Rice, rt. hon. T. S.
Richards, R.
Robinson, G. R.
Rolfe, Sir R. M.
Ross, Charles
Russell, Lord J.
Seymour, Lord
Sharpe, General
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Stanley, Lord
Steuart, R.
Stuart, Lord J.
Stuart, V.
Tennent, J. E.
Thompson Alderman
Tooke, W.
Twiss, H.
Vere, Sir C. B., bart.
Vesey, hon. T.
Wallace, Robert
Wilbraham, B.
Winnington, H. J.
Wood, C.
Wood, Colonel
Worsley, Lord
Wortley, J. S.
Wrightson, W.
Wynn, rt. hon. C. W.
Young, J.

TELLERS.
Campbell, Sir J.
Stanley, E. J.

FICTITIOUS VOTES (SCOTLAND.)] Several petitions having been presented against Fictitious Votes in Scotland,

Mr. *Horsman* went on to say, the question which I am about to bring under the notice of the House is one of very serious importance; it is one on which much excitement is at this moment prevailing in Scotland, and I feel certain that had the question been brought forward a little later, instead of during the first week of the Session, every county constituency in Scotland would have petitioned upon it. They all feel, as indeed those who have already addressed you state, that at this moment their very existence as elective bodies is not only endangered, but actually in the course of being extinguished. Such a grievance, so strongly felt, so generally complained of, must be sufficient to arrest the attention of this House—and having once gained that attention, the few facts that I shall feel it necessary to bring before it cannot fail to rouse its interest, and call forth a prompt and decisive interference.—The petitioners complain that they are being defrauded — nefariously and iniquitously defrauded—of the benefits intended to be conferred on them by the Reform Bill. They find no fault—they allege no insufficiency against that measure; on the contrary, their wishes, in this instance, are bounded to its fair and legitimate operation. But they assert that it is not allowed to operate as was intended—that a scheme has been devised by its enemies, and a system organised with a view to defeating its provisions; and so fatally successful have these efforts been, that already many of the counties are virtually deprived of the power so lately given them, of choosing their own Representatives, and that every county in Scotland will ere long be brought to the same condition. This is their averment, and whether it be a just one or not, the House shall now have the power of deciding. Let me first remind you of what was the end and intention of the Scotch Reform Bill, what had been the elective system previous to that Bill, and what was the change then meant to be introduced. Was it not formerly the complaint that the people at large had no share in the election of their representatives? That the privilege of nominating him was monopolised by a favoured few; and that these consisted for the most part of individuals who had no proper connexion with the county that they voted in; who had no property, no residence within it; and who acquired their franchise by the holding of a merely fictitious superiority. And what was the principle of the Reform Bill? That all the old system should cease to be—that nominal representation should end—that monopoly should be destroyed—that non-resident electors should be swept away, that fictitious qualifications should never more be heard of. The choice of the representative, instead of being vested in the few, was to be given to the many. In the place of the counties being overrun by voters who had no connexion with the soil, the qualification was in future to be limited to the inhabitants, and in lieu of a nominal and fictitious freehold, a real *bona fide* property was at all times to be held indispensable to the franchise. Such, Sir, and I appeal to the recollection and the candour of hon. Gentlemen on either side of the House—such was the principle of that Bill—such it was announced to me by the Minister who introduced it, and who declared it to be the intention of the Legislature, that not one rag of the old system should remain A new one was substituted in its place, which emancipating Scotland, was received with joy. The first general election took place under the operation of that Bill, and the voters on that occasion (with the exception of the old roll, whose privilege had been preserved to them for their lives) were really and substantially the resident possessors of the estates for which they had claimed in their respective districts. That election went against the party which had lately been in power, and it became evident to them, with the new order of things, their supremacy was at an end, but it was equally evident that if by any misconstruction or misapplication or evasion or violation of the recent act of Parliament, they could succeed in re-establishing any thing approximating to the former system, their influence must immediately revive. Accordingly the effort was to be made—desperate in its character, and demoralising in its effects, that effort has been made—and so systematic has been the plan adopted, so well organised and so comprehensive in its arrangement—and so ready and resolute, and reckless the instruments selected for its execution—that at this moment some of the counties in Scotland, nearest to the metropolis, are as completely in the hands of the old monopolists as if the Reform Bill had never been introduced. The mode in which this end is attained is by a very extensive manufacturing of purely nominal votes, and by such a series of frauds upon the law, as will be surprising, if not incredible, to English ears. To enumerate all the devices though which the ingenuity of their authors has endeavoured to find some alleviation to their despair would be quite impossible; but, with the permission of the House, I will describe a few of the most notorious. The first is by a system of joint tenancies—a farmer, paying a large rent and having several sons, is made to take them all into his lease. They may none of them be brought up to his line of life—they may not reside with him, or near him, or within a hundred miles of him, yet they are all registered as joint-tenants. Nay, there are instances of men being enrolled in this character, who are following their business as practitioners in the law, and merchants, and shopkeepers, in distant towns — men who never saw that, or perhaps any other farm in all their lives, and who do not know the parish in which it is situate. The second mode of creating these qualifications, is by the creation of a number of life-rent qualifications of some extensive landowner, who being unwilling or unable to denude himself altogether of any part of his estates, makes over a portion of it in life-rent to so many individuals who become joint-proprietors. By this transaction a dozen or score of persons who never saw or heard of one another in their lives before, and who are all strangers to the county, become joint purchasers of a portion of land. The sum to be paid for it is calculated by tables of annuity, according to their respective ages. The agent in this transaction is usually the political agent of the candidate; the disposition is dated the very last day of January, so as to be just within the six months required for registration. The parties themselves are very much ashamed of the proceeding, for it is kept quite secret, the deed need not be registered, and it is not known nor seen by any one except for a few minutes, when produced before the sheriff, after which it may be immediately destroyed.—This contrivance was at one time much resorted to, and the votes created by it promised to be very numerous. But it was soon put out of fashion by the restless cunning of its projectors, which, sharpened and improved by practice, and emboldened by success, led to the discovery of yet simpler modes, and the adoption of expedients of an easier and cheaper, and far more shameless, character. The two next which I shall advert to are a proof of this. And to the one I am now going to describe I beg to call the particular attention of hon. Members, as it is the most flagrant and the commonest of all. The House will scarcely believe that it is a matter of common occurrence for numberless votes on a single tenement, without any right, or title, or interest, being acquired by the persons registering—without any transfer whatever of the premises—without the occupation being changed, or the ownership in any way interfered with, or a single sixpence being exchanged between the parties. Yet so it is—it happens daily and hourly, and this is the manner in which it is brought about. An individual has some premises worth 100*l.* a-year, on which it is proposed to him to make ten votes, and being a good Conservative and fond of his party he has no objection, provided proper care be taken of his own interests in the transaction. Ten persons are introduced to him as gentlemen who are willing to come to terms and a political agent is employed to conduct the purchase. The price paid for the share of each is to be 200*l.* But there are two obstacles to the transaction. None of the buyers have got 200*l.*; they are not in a situation of life to have it. Some of them are grooms and lacqueys in a neighbouring establishment—some of them are clerks or dependents of the agent himself—nay, some of them are as low as farm servants. So far from having 200*l.* a-piece, they have not got 200 pence amongst them; and, even if they had, the premises are essential to the present owner for the convenience of his trade, and he cannot let them out of his possession. Here, then, are two impediments, apparently insurmountable, at the very outset of the business; but, by the intervention of the agent aforesaid, they are thus nimbly surmounted. He suggests that the purchasers, instead of paying down 200*l.* a-piece, shall give a bill to that amount, and meanwhile pay five per cent interest upon it; and he suggests, also, that the seller, instead of yielding up the premises, shall continue to occupy them as tenant to the buyers; the rent he pays each of them being 10*l.* a-year. Accordingly, he gives them a life-rent disposition of the property, and they give him back a life-rent lease. He pays each of them 10*l.* a-year of rent on his lease, but they pay him back exactly 10*l.* a-year of interest on his bill; so that for the sum he gives out from his right hand, he receives an equivalent in his left. And thus, by this very fair and honourable expedient, which is afterwards completed by an oath before the Sheriff, that the parties are *bona fide* possessors of the property, ten additional freeholders are added to the poll, who come forward at the next election to attest the superior purity of Conservative principles, and prove to the unbelieving what a re-action has come upon the country. Now, Sir, can the House hear this with patience? or can it doubt what follows—that votes of course are registered in numbers proportioned to the facility—and from the most unfit of all possible characters. Persons who are well known not to be worth a single sixpence, make oath that they are worth 10*l.* a-year. Whole batches of servants in a nobleman's or gentleman's household—regiments of butlers and grooms and gamekeepers may be supplied with these fictitious qualifications by their masters' orders—and by such extraordinary persuasion, and upon such frivolous pretences, have these parties been at all times induced to claim, that they have many of them refused to appear to be examined before the Sheriff; and some of them, when the oath has been tendered, have refused to take it. The last plan I have to describe, is one that has as yet occurred but in one county. It does not go even the length of feigning a possession in land or houses; it is a simple bond of annuity for 10*l*. a-year, secured over an heritable subject—so that as many ten pounds a year as an individual's estate is worth, so many votes can he create without alienating an acre. How such annuities have been hitherto procured, I know not—but how they may be procured I know well. They may be purchased precisely like the subject in the last-mentioned case—a bill may be given for the price—the interest on that bill may be an exact equivalent for the annuity—and the whole transaction fraudulent and fictitious. But the parties, nevertheless, swallow the oath. Having thus shown the nature of these devices—and there are many others with which I shall not deem it necessary to occupy the House, it now only remains for me to prove the extent to which they have been practised. I will take for this purpose the six counties adjacent to one another in the neighbourhood of Edinburgh, viz.:—the three Lothians, Roxburgh, Selkirk and Peebles, and I will at present confine myself to them. In the county of Edinburgh, in 1832, the constituency amounted to 1,126; non-residents, 61; life-rents, 42. In the present year the life-rents had increased to 146, and the non-residents amounted to 141. He would next refer to the county of Haddington, the constituency in which amounted, in 1832, to 513; the non-residents were 27, that number had since increased to 151. The life-rents in 1832 were 29, in 1836 they increased to 75. The present constituency was 714. The next county was Linlithgow; in the year 1832, the constituency was 532; the non-residents 112. The non-residents were now increased to 202. The life-rents, in 1832, were 23; non-residents 4. This year the life-rents were 66; and out of the 66, the non-residents were 63. He would then take the county of Roxburgh. In 1832 the number of the constituency was 1,188, and out of this body not one-seventh were non-residents. At the present time the number of non-residents was not less than 444. The number of life-renters in 1832 did not exceed 33, and all these were residents in the county. The number of life-renters enrolled this year was 89, and of these 87 were non-residents. In 1832 the constituency of Peebleshire was 301. Since that time a great number of persons had been enrolled as voters; for at the present moment the constituency amounted to 576. Out of the list of voters in 1832 there were 15 non-residents; the number of non-residents at the present time was 218—being nearly equal to the original constituency. There were only eight persons in the list of voters as life-renters in 1832. The number of life-renters added this year to the constituency was 137—and of these 121 were non-residents. The list of life-renters at the present time was 160, and of these 132 were non-residents; so that, in point of fact, there were only 28 resident life-renters, and 22 of these were entitled to be registered in consequence of offices they held as clergymen or schoolmasters. In Selkirkshire, in 1832, the constituency was 180. The number since registered was 444, being nearly double the amount of the constituency in 1822. The whole constituency was now 562, being more than double the number enrolled the year after passing the Reform Bill. In 1832 there were no non-resident voters; in 1836, the number of non-resident voters enrolled was 288—being more than the original constituency. In 1822, there were no life-renters, excepting the clergy and schoolmasters, in number about twelve. During the present year eighty-nine life-renters had been placed on the list of voters, and of these eighty-seven were non-residents. The whole number of life-renters at the present time was 112, and 107 of these were non-residents. Now, Sir, these are facts by which I think it necessary to illustrate this part of the question. Are they not sufficiently convincing? But they are not all—the worst is yet to come: the crowning point of all, the perfection of this machinery, is yet to be arrived at. I have hitherto described the system in its two first stages only—the third and last yet remains. I have shown that it began by the *bonâ fide* purchase of properties by non-residents, and that it next proceeded to drop all that was honest in the transaction, and combined non-residence with a fictitious qualification. But the House was now to hear of all these counties being drawn into a net—of the constituencies being brought up and made up one concern, of a company of trustees and speculators in votes being established, who monopolise them all, and who, though not numerous enough of themselves to form one separate constituency, in reality engross the power, and exercise the functions of several. Such is the last scene of this strange boastful history, and until this was consummated, the plot was only half successful, and the thraldom of the people but imperfectly secured. Joint tenancies had their inconveniences and their risks, and even the enfranchising of domestics was neither so safe nor so satisfactory as could be desired, for farmers might become independent of the Laird, and even grooms and gamekeepers might change their situation, or in times of popular excitement, precisely when the services of the faithful were most needed, both one and the other might choose to go with their own order. Besides, six constituencies for six counties were deemed too many—and the machinery too troublesome and complicated—especially when, with proper management, one body of electors might do for all. Accordingly a council seems to have been held in Edinburgh, and the muster roll then gone over—and a list of individuals made out, principally resident in that city—men of ascertained sentiments and trustworthy, who have no weak scruples, no defined principles of their own; but the whole thirty-nine articles of whose political creed are summed up in that one watchword—party. These gentlemen are forthwith applied to to provide themselves with fictitious qualifications—not in one or two, but each of them, in four, five, or all of the counties I have named, as need may be. What is the result? Do you not see how fatal it must be? Those counties all lie close together—their polling-places may all be compassed from Edinburgh in one day—and their constituencies are small—so that this well-drilled corps of Edinburgh citizens and recruits, not limited in number, be it remarked, but capable of being expanded *ad libitum*, by making a rapid tour of those districts during the contest, and invariably throwing all its weight into the unpopular scale, may, and must decide every one of these elections. Sir, in my observations, hitherto, I have confined myself to a bare narration of facts; I have avoided all remarks that could apply personally to any one. But I see no reason for exercising that self-denial here, nor why I should refrain from uttering my opinion of the individuals who are implicated in this part of the system, for the zeal of partisanship in ordinary cases we can all make ample allowance, and many acts of even questionable propriety entered on amid the keenness and excitement of party warfare, we can pass by without observation or reproof, but for the cold-blooded and deliberate iniquity of this roving band of political assassins, as their business is without example, so I should feel it to be beyond excuse. I hold in my hand a list of the gentlemen I am alluding to, and which I received to-day, and all I can say is, that even the hasty perusal I have been able to give it is sufficient to diminish my astonishment at the offence. It is a list in which any Scotchman, at all versed in the Tory nomenclature of former days, will recognise many old and familiar acquaintances. Let me be just to our opponents. Happy I am to say that little of the respectability of their body is found here. With a few exceptions, it is composed of the very dregs and refuse of their party. The ancient system is in every page, and in every line. Among the gentry, the old compliment in votes is here—he whom the Reform Bill was intended to destroy—here is the pettifogging laird, whose zeal of yore was equally essential to his importance and his profit—and here, too, is the time-serving waiter upon a party providence, who had not only himself long fattened upon the public purse, but had trained up his children after him to regard it as their sure inheritance. You have now the whole brood registered against you, the ancient prejudices of blood being sharpened by the bitterness of recent disappointment; and after these is the well-known tribe of wanting, jobbing, cringing subordinates and officials—the herd of provincial functionaries and petty pluralists—the menials and parasites of the camp, ever ready to fetch and carry as their leaders bid them—the unblushing panderers to party vice, and feeders on party corruption. But enough of this; my object at present is not so much to expose the individuals, as to denounce the system. That system is yet in its infancy—what has been done hitherto has been mere attempt of experiment; but preparations, I warn you, on a more magnificent scale are making for the ensuing registry; what has been done around Edinburgh will next year be done around Glasgow, and Perth, and Aberdeen, and then a section of the inhabitants of a few large towns will have all the counties of Scotland within their grasp. But I fancy I hear the hon. Gentlemen opposite objecting to me, "Why do you direct all your censure against us?—why do you spare your own party, which has also been guilty of these which you describe as improper practices?" Because, Sir, I have discovered a wide distinction between the cases. In tracing the origin and progress of the system, I have thrown the blame on those who were its inventors and its chief promoters; and when individuals of their opponents have partially followed their example, I am ready to prove that it was forced on them against their will—that they acted tardily and reluctantly, and purely in self-defence. I will show this by a reference to facts; and every word that I now state I am prepared to make good before a Committee. The election of 1832 ended late in December, and, as soon as it was over, it was currently reported that great, if not unlimited, power had been given to a well-known Edinburgh agent to create a sufficient number of improper votes to recover the three principal counties that had been lost. This report many people found a difficulty of believing; but when the registry came on, the claims thus made out were produced—they had all been manufactured in the preceding January, and immediately after the election. The Liberals immediately saw what was likely to result from this—the people must be annihilated. They held meetings and consultations; but they thought the proceeding so dangerous, and so disgraceful, that they would not resort to it. The registry of 1834 came, and another inundation of mushroom qualifications; but still the opponents of the Tories did not retaliate. They saw their danger, but they thought it preferable to dishonour—they had had one year of warning and preparation, and now a second, but they kept true to their resolve. But then came the general election—and with it, in its most disastrous form, the fruit of those two registrations. District after district was overwhelmed, and county after county snatched away; and then it was, and then only, that the forbearance of individuals could no longer be secured. The race was in many places commenced by both parties in good earnest, and is now being carried on by such a deluging of counties with votes of all descriptions, that ere long the advocates of universal suffrage will have a favourable opportunity of judging of the practical workings of their favourite theme. I do not approve of the practice, or defend it either in the one party or the other. I will screen neither—I have ever set my face equally against both—and I will expose both equally before the Committee. But is there not a great difference in the culpability of the parties? I say there is the same distinction as between a man who raises his weapon for assault, and another who snatches a sword in self-defence. The act of the one party is from choice, and adopted for aggression and injury; the other only followed the example after long delay and repeated provocation, and from the imperious necessity of personal safety. The aim of the one was to crush the privileges of the electors; the object of the other to protect them. The right hon. Baronet opposite, the Member for Tamworth, declared lately at Glasgow, that it was his determination to support the principle of the Reform Bill, and he called on his followers to do the same. Sir, I honour him for that determination, and I hope that I may now confidently reckon on his support of my motion. The petitioners ask merely for the principle of the Reform Bill to be carried into effect. "Abolish fictitious qualifications," they say, "and we will thank you and be satisfied." There is no further change asked here; no demand for the Ballot; no petition for short Parliaments—and yet they have had their difficulties, and formed their opinions on these topics as well as their southern neighbours. But the elective privilege was so new to them, and so sacred in their eyes was the proper use of it, that they held it firm against all assaults. Intimidation was tried with them, but they braved it all. Bribery was attempted, but they were proof against it; and then the manufacturing of votes was had recourse to. The people were too firm to be bullied—they were too honest to be bribed—but they were not too numerous to be swamped. To swamping, accordingly, they were doomed. The work proceeded at a rapid, a fearful pace, and since the hit was to come upon them, they now do feel at least grateful to their opponents for having brought it so speedily to a head—and that too by a process of operations so open and undisguised, that no man who has eyes to see can have a doubt of its existence—or that has capacity to reason, can deny the necessity for a remedy. The petitioners come before you with this plain, unanimous remonstrance—that if they deserved the franchise to be bestowed, they may now, on stronger grounds, demand that it should continue to them. That they did deserve it, they tell you is attested by the use that they have made of it. Look at their elections. Wherever popular contests have taken place they have been conducted with peace, and order, and decorum. Wherever popular candidates have been chosen, they have been men of experience, of ability, and of character. The anticipations of their friends on these heads have been more than realised. The hopes and predictions of their enemies have been as grievously disappointed. The people of Scotland now contemplate with joy the prospect, that through their instrumentality the real character of their countrymen may be understood. It was with a pang of shame and humiliation, that they had hitherto submitted to be judged of by the miserable samples of a begging Aristocracy, which an exclusive system threw up. Though their former representatives, being elected by an oligarchy, were like the oligarchy that elected them—venal, and subservient, and corrupt—the great body of the nation, despised and disregarded as they were, were always intelligent in mind—educated in habit—highly moral and religious in feeling—and nobly independent in character. And as soon as the power was given them, these were the qualities they sought in their Members; and they then saw, for the first time, a body of independent men, the organs of the free voice of Scotland, enrolled among the best friends of freedom in the empire, and welcomed by them as stout and valued allies in the great constitutional battles of the age. They bid you observe how the prejudices of country have already died away, and the choice of a Scottish constituency been admitted a title of distinction. On the one hand, they point with satisfaction to the distinguished men from England and Ireland who have been united to their connexion, and to whom have been confided the interests of their wealthiest and most populous towns—their great marts of enterprise and commerce on the Clyde or on the Tay; and, on the other, they remember, with a feeling of pride, amounting to exultation, the tribute that was indirectly paid to them by this very House of Commons; inasmuch as when it was thought essential to its dignity, that the assertion of a principle should be involved in the election of a Speaker, the Member of their body, unanimously pointed at by all classes of Reformers to be put in competition with a Gentleman of great experience and acknowledged merit, as the fittest to supersede him in his exalted office, and sit in that Chair as the triumphant champion of their opinions, was no other than the popular representative of their own ancient metropolis. With such feelings, then, and such results—so encouraged and so rewarded—the political mind has become peaceful, happy, and contented—and with political contentment national prosperity has gone hand in hand. But if you reverse the picture—if you endeavour to wrest from them the boon that has been so lately conferred, or suffer it to be filched from them by others—have you calculated the effects? Will the people remain tranquil and submissive? Will the law be similarly respected? Will the elections go on equally smooth and undisturbed? Even in the olden times, we are none of us too young to remember, that the murmurings of the populace have been known to swell to such a pitch as to blanch the cheek of the favourite of the town-council, while he was undergoing the very honours of ordination—aye, and even to shake the powder from the wig of the all-potent but bewildered Lord Advocate of the day. And is it not wisdom to foresee that all this may soon return? If you stop up the channel which the constitution has provided for the feelings of the people, depend upon it they will break out through other channels which the law has not acknowledged. The Scotch have but lately tasted the sweets of freedom, but their appetite for reform has only been sharpened by enjoyment; and if their enemies should succeed for a time in depriving them of its expected fruits, believe me, sooner or later, they will bring the evil to such a head, that it can neither be continued without danger, nor ended without convulsion. Sir, I have now concluded all I have to say upon the subject. I thank the House for its attention; and I have now to say that the petitions presented to you are just and reasonable in their nature, the arguments they are founded on are strong, and the appeal to your protection is not likely to be made in vain. The hon. Member concluded by moving for a Committee to inquire into the system of creating fictitious votes in Scotland.

Mr. *Robert Ferguson* seconded the motion. After the able, eloquent, and conclusive speech of his hon. Friend, he need only encroach on the House for a few minutes. But he must say, that the sweeping creation of fictitious votes now going on in Scotland was felt by the real constituency to be an intolerable grievance. They found that whatever importance was intended to be bestowed upon them by the Reform Act was gone, or fast going; and that the results of the means of influence resorted to by the Tories were of such a description, that very many persons had reason to regret that they ever possessed the franchise. The speech of his hon. Friend had obviously not failed to make a deep impression on the House, and he trusted would not fail to rouse them to inquire into the character of these fictitious votes, and to ascertain if it were possible that they could be consistent either with the letter or the spirit of the Reform Act, so far as respected Scotland. The fact was, the Tories had pushed these transactions much too far; inquiry has become necessary, a remedy must be found. Their modes of influence, he must also observe, had been so undisguisedly and so prejudiciously used towards individuals, as to push on the Ballot question—to force it on; and although he was originally adverse to the Ballot on principle, the monstrous evils which existed now induced him to consider it as the only remedy; and, whenever the question came on for discussion, it would most probably induce him to vote for it.

Sir *George Clerk* said, that he fully agreed with the hon. Member who last addressed the House, in what he had said of the clear and able manner in which the hon. Member had introduced the subject to their notice; but the hon. Member must excuse him if he refused to concur in the difference which he had made as to liferent qualifications between one party and another. The hon. Member had made his statement in such a manner as if he wished it to be inferred, that those creations were made for the support of one party. He would admit that it must be disagreeable to the House to say with which party the system had begun; but with whatever party, Whig or Tory, it had originated, he had no hesitation in saying, that it ought to be put down. He must declare for one, he was perfectly prepared to say, that if there existed in Scotland fictitious and collusive qualifications, for which no sufficient remedy could be found in the enactments of the Reform Act, that Act ought to be amended. If facilities for the creation of such qualifications did exist, he was quite as ready as any hon. Member in that House to admit, that neither party would be very scrupulous in pushing the law to its utmost verge, for the purpose of augmenting their own political power. The hon. Member opposite had presented to the House the view which he took of the Reform Bill, but it was for the House to say, whether or not that was a correct view of its character, in reference to the elective franchise, at all events. The opinion of the hon. Member seemed to be, that the intention of the Legislature in enacting that measure, was to do away with non-residence in counties. From that he begged to express his dissent. Unquestionably the intention was apparent on the face of the Act to do away with non-residence in cities and boroughs, but by no means in counties; else, why did a property qualification for counties form a necessary part of the Bill? It was clearly admitted on all hands, it could not be denied, that the Reform Act created a property qualification; it therefore did not insist upon residence as a necessary condition. Owing, probably, to the political system which prevailed in Scotland, the people of that country were less disposed than in other parts of the United Kingdom, to a minute division of property, but an extension of the elective franchise naturally led to a more minute subdivision of property. For a long time, in Ireland, the same causes had led to similar results. If the evil to which the hon. Member referred was an evil of serious importance in Scotland, of how much greater importance was it in Ireland, and how much more widely extended was its operation? It was notorious, that the fictitious qualifications in Ireland were greater than in any other part of Great Britain. The House had heard some strong condemnations of the practice of creating voters. He desired to know, was there anything that persons of wealth need be ashamed of, in the circumstance of their purchasing property, with a view to serving the party to which they belonged? He might be allowed to hope, that there was no intention of doing away with *bonâ fide* qualifications, and he might be allowed to add, that when the hon. Mover thought proper to refer to the state of the elective franchise in 1832 and 1836, he had omitted to pay any attention at all to its condition in England in those years, still less had he noticed the state of Ireland. The proprietors of land found new rights under the Reform Act, and that naturally disposed them to make a new arrangement with respect to their property; upon what ground, then, could exception be taken to that? It really did appear to him a most novel and startling doctrine, that the increase of the persons invested with the elective franchise, was to be regarded as an evil. It was particularly novel and startling when it proceeded from the other side of the House. Judging of what might be the feelings and sentiments of hon. Members opposite, from what had been the opinions put forward in the *Edinburgh Review*, that publication declared, that however strong the objection of its party might be to fictitious qualifications, however great their aversion to mere parchment votes, they would still take away no man's right. In their opinions, the more who were invested with the power of voting the better; it therefore much astonished him to find an increased constituency made a matter of complaint by hon. Members professing liberal opinions; and he confessed it did appear to him that the avowal of such doctrines, on their part, seemed to warrant the insinuations so generally thrown out during the discussions on the Reform Bill, that the elective franchise which that measure created, had been studiously framed, with a view to strengthen the political interests of that party, who were the authors and promoters of that great change in our Constitution. The hon. Member for Bath had said, that the Reform Bill was a measure which its authors introduced, not for the people's interest, but to secure their own. It was no longer ago than Tuesday night, that the hon. Member expressed that opinion; and within the short period which had since then elapsed, they found the hon. Member for Cockermouth expressing sentiments which the supporters of Government cheered, and gave the strongest possible confirmation to the assertion of the hon. Member for Bath. The argument of the hon. Mover was, that the fictitious qualifications of which he so much complained, would have the effect of swamping the legitimate 10*l.* electors. The simple answer to that was this—the particular enactments of the law bearing upon that point, permitted such a state of things to exist; there was clearly nothing illegal in non-resident voters for counties, neither was it in any respect inconsistent with the acknowledged principles of the Constitution, nor adverse either to the spirit or the letter of the Reform Act. Was it to be supposed that all persons connected with the proprietorship of land, in pastoral districts, would at all times be resident? But it was contended, that however consistent with the existing state of the law such a condition of things might be, it had become inexpedient to allow its continuance. Then to what did that species of argument lead? To nothing less than that the Reform Act rested upon a wrong basis. Its authors could not deny, that they based their measure upon property, and not numbers. To meet the views of the hon. Gentleman, they must now remodel the measure, and establish it upon a new foundation. As must be fully in the recollection of the House, the attempts to curtail the number of voters had been most frequent on the part of liberal Members. At present they complained, that the voters for counties were too numerous, while but a short time since, there were loud complaints of a similar kind against the poorer votes in corporations. His remarks, however, he begged to say, were not made with the least desire to continue or uphold any description of fictitious or collusive voters. He looked at the existing condition of the elective franchise, as all persons ought, who were engaged in electioneering proceedings—namely, with a view to get rid of every thing unfair; he had, therefore, not the least objection to a full and fair inquiry into the causes of collusive and fictitious votes; but he must be distinctly understood, as drawing a wide distinction between those, and persons holding certain qualifications under the Reform Act; especially he objected to the doctrines of the hon. Mover, with respect to farmers who admitted their sons, for example, to a participation in their leases. It was, in effect, admitting them into a partnership in their business, and to that he apprehended no rational objection could exist. Life-renters formed the next class, to whose exercise of the franchise exception had been taken. He would ask this question—did they mean to deprive of their rights all the electors in England who possessed estates for life? And he would further ask, to what point did the observations made to the House tend, if not to that? Hon. Members could not have forgotten the long discussions on the 40*s.* life qualifications, nor the difficulty with which the noble Lord, who had the care of the Reform Bill, now Earl Spencer, consented to the 40*s.* life qualification. To these observations he had only to add, that if the object of the proposed Committee was to inquire into the causes of fictitious and collusive voting, by leaseholders and life-renters, he should not raise the least objection to its appointment; and if he saw that a remedy for that evil could be devised, he should rejoice. That many attempts had been made to create fictitious and collusive votes, he readily admitted; but, in his opinion, the Reform Act furnished a sufficient remedy for that evil; and that remedy, he conceived, was in full operation in the courts of the Revising Barristers. He knew, and many other Members connected with Scotland must also know, that in Roxburgh, and several other counties, very many claims were rejected in the courts of the Revising Barristers; but in determining upon the appointment of this Committee, it might not be unimportant to inquire on which side in politics the electors, who had been so often complained of, were likely to vote. The House had been told, that a conclave existed in Edinburgh, for the purpose of promoting the operation of those collusive and fictitious votes. He might be permitted to say, that he knew something of Edinburgh; of this conclave he knew nothing, and he had no reason to believe that it existed. Allusion had been made to the lists prepared in Edinburgh, of the voters who came within the description given by the hon. Member; on that point he should only observe, that if they went to other parts of the United Kingdom, it was probable that they would find them very nearly balanced. He professed his desire not to make the present a party question, and he trusted that there existed no intention on the part of hon. Members at the other side of the House to restrict any qualification which the Reform Act imparted. If such a course were contemplated, he must be allowed to say, from what had occurred, there was some reason to fear, that a selection would be made of those most favourable to the views of hon. Members on the other side of the House. He repeated, that the evils complained of were not peculiar to Scotland; he had seen some accounts of what took place at the Registration Courts in England, where numberless attempts were made to create fictitious votes; forty individuals, deriving their franchise out of one small field, and not one of the forty was able to point out the portion which fell to his own share; not only did practices of this nature prevail in counties of England, but in cities; they were attempted in a city not very far distant from the spot on which he then stood. If the pure love of reform were the only motive which influenced the mover and supporters of the present motion, he should say that he saw no cause why they should confine their inquiries to Scotland. If the proceeding were necessary as to one part of the United Kingdom, he should like to see it extended to the counties and towns of England and of Ireland, and he hoped that equal justice would be done to all; he also hoped, that when the list of the Committee was submitted to the noble Lord on the Treasury Bench, it would be found to contain such names as would divest it of any suspicion of being framed for party purposes.

Mr. *Roebuck* was of opinion, that the country owed much to the hon. Gentleman who had submitted the present motion, because it would test the sincerity of that House, as to its desire of promoting purity in the representation; and they would have the means of ascertaining whether the House would do that, which former Houses of Commons had not done, amend the representation by putting down the system of fictitious votes. The hon. Baronet opposite (Sir G. Clerk) considered, that property was the essential qualification for a man to exercise the right of legislation, and if he possessed property in three or a dozen places, he should have the right of voting for three or a dozen individuals, and thus influence the election of twelve persons to be returned as representatives to that House. [*Hear, hear.*]

Hon. Members might say "hear, hear;" but did they look to the consequences? The present motion had been introduced with a degree of virtuous indignation in which he sympathised; but he hoped that the hon. Member would feel it equally, whether the parties were rich or poor. He did not feel the same anxiety respecting collusive or fictitious votes which some hon. Members appeared to endure; what was it to him whether the votes were fictitious or otherwise? The question in which he felt an interest was, whether or not the voter was sufficiently intelligent to exercise the right of voting. In his judgment intelligence was the true qualification. One occurrence of the present evening afforded him much satisfaction, and that was, to see the hon. Members on the other side of the House complain of restrictions upon the elective franchise; he quite rejoiced to find them advocating the principle of an extended suffrage, and every year they remained out of office, he had no doubt that their desire for such extension would increase. "Wait a little longer," said the hon. Gentleman, "and they will become advocates for universal suffrage." He was also an advocate of the Ballot, which, in his opinion, was the only remedy for the evils now stated. The creation of fictitious votes was complained of, and of persons possessing a power which they ought not to have in influencing elections; the object, therefore, ought to be to find out the means for the prevention of these evils. Where was that remedy to be found? why, for one, in the Ballot, and for the other, in universal suffrage; because, so long as property gave a qualification, it was impossible to secure the purity of election. If the elective franchise was given in consequence of the possession of riches, the individual so possessing them would take an advantage of his wealth, which he ought not to be allowed to possess.

Mr. *Pryme* would remind the hon. Gentlemen opposite, that one of the great objects contemplated by the Duke of Wellington on the Catholic Relief Bill was to prevent subdivision of property; and that measure was accompanied by another, which disfranchised the 40*s.* freeholders in counties, and raised the qualification to 10*l.* With regard to the observation of the hon. Baronet as to *bonâ fide* purchase, and the case he cited, he understood him to refer to the county of Huntingdon; but he would ask, did that case at all resemble what had taken place in the counties of Scotland? The object of the hon. Member who brought forward the present motion was, to put down the practice of creating fictitious votes, which had been pursued to a considerable extent in Scotland, in some degree in England, and in Ireland also. He agreed with the hon. Baronet opposite, that the practice ought to be put down in one part of the country as well as another; and with that view, if the hon. Baronet would move for a Committee to consider this subject as regards Ireland as well as England, he would vote for that motion.

Mr. *Horsman* thought there ought to be separate Committees for England, Scotland, and Ireland.

Mr. *Hume* said, that even after the Committee was formed, they must still have recourse to ballot and universal suffrage.

Mr. *Shaw* wished to extend the inquiry to Ireland. He thought the Committee most desirable, but he objected to its being limited to Scotland.

The *Chancellor of the Exchequer* said, that he assented to the principle of the motion as to Scotland, and was perfectly ready to carry it on with respect to England and Ireland; but he cautioned the hon. Mover not to allow his motion to be swamped by any suggestion for extending it. He thanked the hon. Baronet opposite for having used the term "justice to Ireland;" and he hoped that the time was not far distant when the sincerity of his desire to do justice to Ireland would be put to the test. At present, he thought that the most convenient course would be, to affirm the principle of the motion, and allow the nomination of the Committee to be postponed till Monday. He desired that the Report of the Committee should be as authoritative as possible; and he therefore wished that it should bear an impartial, nay, even a judicial character.

Mr. *O'Connell* was glad to hear what had fallen from the right hon. Gentleman, the Member for the University of Dublin. For the first open day he intended to give notice of the extension of the Committee to Ireland, and he looked to the right hon. Gentleman as his seconder. He thought he had a right to expect that no one would seek to separate them when united for so good a purpose.

The *Chancellor of the Exchequer* expressed his willingness to give his best assistance to any Committee appointed with reference to Ireland.

Sir *Henry Hardinge* certainly saw no reason why the proposed Committee might not, without the appointment of a separate Committee, extend its inquiries to Ireland, in the same manner as the Intimidation Committee had previously done.

Mr. *Forbes* challenged the most rigid examination, and desired that the part of the country with which he was connected should be judged by the letter of the Reform Bill. It was perfectly true, that the merchants of Glasgow, and even the learned persons connected with its University, had purchased landed property, and had thereby increased their political influence; but he would ask, were they therefore to be called political assassins? The hon. mover might know something of the "clique;" they might be called political assassins; but he knew of no other body deserving the appellation. With regard to the county which he had the honour to represent, he would take upon himself to say, that upon examination it would be found as pure as any in the United Kingdom, and to have conformed as closely as any other to the spirit of the Reform Act. The counties of Perth, Roxburgh, and Haddington, had also supported the cause of good government, sound reform, and the Protestant religion. If such were the conduct of political assassins, he must acknowledge that the electors of those counties were guilty.

Motion agreed to; appointment of Committee postponed.

Mr. Lechmere Charlton.] The *Speaker* said, he had received a letter from this Gentleman, which he would read to the House. It was to this effect:—

"Sir,—I have the honour to inform you that persons stating that they have a warrant from the Lord Chancellor have found their way into the house in which I am staying, and have compelled me to go to the Fleet Prison with them. I had flattered myself that, while the matter was under the consideration of a Committee of Privileges, such violent proceedings as these would have been avoided; but I am sorry to say, I am mistaken. I have only to add, that I hope you will be so good as to read this letter to the House, and that they will extend to me the privilege that under similar cases has been given to Members of Parliament.—I have the honour to be, Sir, your obedient servant,

"E. L. Charlton.

"To the right hon. the Speaker.

Friday Evening, half-past five o'clock."

Mr. *Williams Wynn* moved, that the letter be referred to the Committee of Privileges. The right hon. Gentleman expressed a supposition of the probability that the Committee would make an order similar to that made in the case of Mr. Long Wellesley.

Letter referred to the Committee.

HOUSE OF LORDS,

Monday, February 6, 1837.

Minutes.] Petitions presented. By Lord Suffield, from Narborough, for the Abolition of Church Rates.—By Lord Brougham, from Leeds, and from various other places, for the Abolition of Church Rates.

HOUSE OF COMMONS,

Monday, February 6, 1837.

Minutes.] Bills. Read a first time:—Salmon Fisheries (Scotland).—Read a second time:—Municipal Corporations Act Amendment.

Petitions presented. Several Hon. Members, from various places, for the Abolition of Church Rates.—By Mr. Tooke, from Truro, for the Repeal of the Duty on Soap.—By Mr Morrison, from Ipswich, for the Repeal of the Poor Law Act.

Offences. (Ireland).] Mr. *Bradshaw* moved for a return of the proclamations issued by the authority of the Lord-Lieutenant of Ireland, for the apprehension of persons concerned in murders, fire-raising, forcible entry of houses, and other outrages, during the six months ending the 31st January, 1837, with the rewards offered thereon.

Mr. *Hume* said, that he had moved for a similar return in the last Session of Parliament, to which he would refer the hon. Member, as it might save the trouble of urging the present motion. If these isolated returns were made, they never could be able to judge of the state of the country; he would, therefore, suggest that the hon. Member should postpone his motion.

Mr. *Henry Grattan* said, the object of the hon. Member was quite clear. He was not aware that such a motion had been made before. The return of the last Session, however, was a totally different one. He must say, that a speech made at the Glasgow dinner contained the falsest statements concerning Ireland. There never were more erroneous or more unfounded statements put forward, and he only regretted that the right hon. Baronet was not present, that he might set him right upon that subject. The hon. Gentleman opposite was warranted in his motion by the extraordinary proceedings which had taken place in Dublin, and when the foulest and most maglignant libels were uttered against his Majesty's Government in the Mansion-house of that city, in an assembly of such a character that the Lord Mayor did not think proper to attend, and refused to preside at the meeting. For his own part, he regretted that such statements should have been made—that such charges should have been uttered by a partisan body, who represented themselves to be the Protestants of Ireland. The language used at that meeting by noble Lords and Members of that House was little creditable to the individuals who had used it. The terms made use of, whether they were advanced by Lord Charleville or by Lord Roden, he rebutted with the utmost indignation. The hon. Member (Mr. Bradshaw) might be warranted in thinking that the state of Ireland had been bad, when his Majesty's Representative in that country was described as going about seeking for persons to perjure themselves. If he could believe the reports which had appeared in the public papers, a charge had been made against the Lord-Lieutenant, that he had selected individuals for the mere purpose of perjury, in order to create fictitious votes for the support of Government. As one of those individuals so calumniated was a relation of his own, he would recommend the calumniaters to be more sparing of their charges for the future. When such gross charges were made, it was but fair that there should be an opportunity for refuting them. If in the time of the Duke of Richmond's administration, in any assembly one-fifth part of such charges had been made against the Government, the Attorney-General would have filed an information in less than twenty-four hours. He would just call the attention of the House to a statement of the case, in order to show the malignancy of the charges which had been made against Government. He held in his hand the return of Mr. Kennedy—he believed that the right hon. Baronet, the Member for Tamworth, would bear testimony to the high character of Mr. Kennedy—he had procured those returns up to December, 1836, in order to show the effect which the Mulgrave Government had on the peace of Ireland. He begged the House would listen for a moment to this short exposition of the case. He found that in December, 1835, the attacks on the police were thirty-five, which, under the administration of Lord Mulgrave, had been reduced to six; riots eighty-nine; which, under the same Government, had decreased to eighteen. Threatening notices, forty-nine; which had been decreased to twenty-four; the attacks on houses twenty-four, reduced to ten; and illegal meetings, thirteen; which had been reduced to one—if the new association were to be denominated an illegal meeting. All the insinuations that had been made against the present Government of Ireland, he would fearlessly say, had arisen out of a malignant spirit, because that Government was the first which had given satisfaction to the people of Ireland: and the noble Lord at the head of that Government was the first Lord-Lieutenant who had endeavoured to conciliate the people. He owed nothing to the Earl of Mulgrave, but he felt bound to say that the candid and impartial manner in which he had acted, had secured the affections of the people of Ireland.

Motion agreed to.

Trade with Portugal.] On the Order of the Day for going into Committee on the Marriage and Registration Acts Amendment Bill being read,

Mr. *Robinson* begged to ask whether Government had official cognizance of the tariff which had been promulgated by the Portuguese Government, and which was, he conceived, almost prohibitory of our commerce in that country; he also requested to know what were the intentions of Government respecting the course to be pursued in these circumstances.

Viscount *Palmerston* said, that his Majesty's Government had received through their diplomatic Agents, copies of the tariff to which the hon. Member had referred, and which was, he understood, to come into operation in April next. The character of that measure was exactly described by the hon. Member, it was not only unfair to the British trade in Portugal, but it would prove, he thought, injurious to the Portuguese commerce itself, unless the Government of that country should avail themselves of the intervening period to reflect on the propriety of altering their line of conduct and annulling the decree in question. If left in force, that decree could not but prove most detrimental to the revenue of Portugal, as its effect must be, to turn all the trade of that country into contraband channels. With respect to the course which his Majesty's Government contemplated on this subject it was not for him then to say, and he was sure the hon. Member could hardly expect that he should at present enter into particulars, as the question was at that moment undergoing the most anxious consideration. To the question whether or no it might be proper to have recourse to measures of retaliation on the Portuguese, it was not his wish to allude further; but as connected with this point, he would say a word on the subject of the discriminating duties imposed on British shipping. He was quite prepared to state that so soon as his Majesty's Government should ascertain officially, that the decree establishing these duties was brought into effect, they would, by Orders in Council, impose similar discriminating duties on all Portuguese vessels which should enter the British ports.

Mr. *Robinson* was not surprised to find that we had met with such treatment at the hands of our ancient ally, whose future course he had predicted on the occasion of the alteration of the wine duties by the present Lord Spencer.

Mr. *Hume* said, that as this country had incurred considerable expenses in the maintenance of the treaty with Portugal, he did think the noble Lord was justly entitled to claim a liberal interpretation of our commercial connexions with that country. He should be very sorry, however, if it were necessary to resort to what the noble Lord called measures of retaliation on that people; it would rather be his object to shame them into a more liberal system of policy. Subject dropped.

Case of the Vixen.] Mr. *Charles Buller* wished to ask a question of the noble Lord, concerning an occurrence which had excited great interest in the country—the alleged seizure of a British vessel, by order of the Russian Government. He wished to know on what plea that seizure had been made—whether owing to the infringement of the blockade on the coast of Circassia, or of the quarantine regulations established by Russia. He also wished to know if any steps had been taken respecting the levy of tolls by Russia at the mouth of the Danube.

Viscount *Palmerston* would only say with respect to the capture referred to by the hon. Gentleman, that the circumstances attending it were now under the consideration of the King's Advocate, and until the report of that Officer should be received as to the bearings of international law upon this question, his Majesty's Government would be unable to form a decision on the case. With respect to levying tolls at the mouth of the Danube, several communications had passed between his Majesty's Government and that of Russia, who disclaimed any intention of interfering with the commerce of England by the exaction of those duties. By the treaty of Adrianople, which ceded the Delta of the Danube, and thereby the embouchure of that river to Russia, a power to enforce the observance of a quarantine was given; but it had been expressly stipulated that those rights should not interfere with the navigation of vessels proceeding to the upper parts of the Danube.

Mr. *Maclean* wished to know whether the noble Lord would object to lay on the table any correspondence which might have passed between his Majesty's Government and that of Russia on this subject.

Viscount *Palmerston* said, there had been no correspondence at present on the subject.

Spain.] The noble Viscount added, that he would take that opportunity to state that the hon. Gentleman last week asked him, whether there would be any objection to certain returns being laid before the House relative to the amount of assistance rendered by his Majesty's Government to the Queen of Spain. Not having looked at the time to the particular nature of the returns required, he (Lord Palmerston) had stated to the hon. Gentleman that there would be no objection; and upon that the hon. Gentleman moved for them. It appeared, however, on communicating the order of the House to the Admiralty, that there existed very great objections to making some portion of the returns. The order required, in the first place, a return of the amount of the military and naval stores, arms, and ammunition furnished to the Queen of Spain under the stipulations of the Quadripartite Treaty, and the amount of payment received for the same by his Majesty's Government; and in the next place, it called for the number of vessels of war and steam boats employed on the northern coast of Spain since the date of the treaty, and of marines, artillery, engineers, and sappers and miners employed in the co-operation granted by his Majesty to her Catholic Majesty. Now, it had always been a rule with the Admiralty, under all Administrations, that, pending naval operations, it was not expedient or desirable to lay before Parliament returns of the number of ships and men employed in those operations, and he was sure the House would agree with him that any departure from such a rule would be attended with the greatest possible inconvenience, because it would necessarily interfere with the operations of the force employed, by giving to the enemy a complete knowledge of the course which it would be proper for him to take. Therefore he hoped that, having given an unguarded and unauthorised assent to a return which he now felt ought to have been resisted, and which the House, he believed, would see reason not to sanction, the hon. Member would permit him to move the discharge of so much of the order as related to the number of ships and men employed. Presuming, however, that the hon. Gentleman had some argument to found on the fact that certain officers and men of artillery and engineers had been employed in the squadron under the command of Lord John Hay, he was quite prepared to give the hon. Gentleman the full benefit of an admission of that fact; for he had no hesitation in stating, what indeed was known to all the world, that there had been attached to Lord John Hay's squadron one or two officers of artillery and engineers, and a certain number of privates belonging to those corps. He could not suppose that it would make any difference to the hon. Gentleman's argument whether that number was ten, twenty, or sixty. It was a question of principle, he presumed, and not numbers. He, therefore, hoped, the hon. Member would be content with the admission which had now been made to him, and content himself with arguing against the principle, which his right hon. Friend near him would tell him had always been contended for by the Admiralty under every Administration.

Mr. *Maclean* was understood to say, that supposing he should bring the question forward, it would be a very serious impediment to his argument if the returns were not made. He did not think that the general rule to which the noble Lord had referred was strictly applicable to ourselves, as co-operating parties. He thought there was a very material difference whether we had employed ten, twenty, or sixty officers and men, or 600 or 700. At the same time he was extremely anxious not to occasion any inconvenience to the Government, especially after what had fallen from the noble Lord, and if the noble Lord gave notice of his intention and made his motion on a subsequent day, he would not oppose it.

Mr. *Charles Wood* said, it was very inconvenient to call upon the Admiralty to make a return as to the number of ships and men employed in any naval operations that were pending. If the hon. Gentleman, when speaking to him (Mr. C. Wood) on the subject of his intended motion, had specified to him the precise terms in which he afterwards shaped it, he should at once have told the hon. Gentleman that such a practice never had been pursued, and that it was contrary to all the rules of the Admiralty. He was perfectly ready to make any general admission as to men having been employed, but any return of the actual force so employed he must resist.

Sir *Henry Hardinge* thought the rule laid down by the hon. Secretary of the Admiralty was a very proper one; but after his hon. Friend the Member for Oxford had been told by the noble Lord the Secretary for Foreign Affairs that there would be no objection to a return of the number of ships and men employed, no blame certainly could be imputed to him for making the motion.

Mr. *Maclean* could not conceive in what way he could have given the hon. Secretary to the Admiralty a more distinct notice of the object of his motion than by putting into his hands in the morning a printed document setting forth that which he should move for in the evening.

Conversation dropped.

PILOTAGE.] Mr. *G. F. Young* begged to ask the right hon. Gentleman opposite whether it was the intention of Government to bring in any measure respecting pilotage?

Mr. *Poulett Thomson* was understood to reply, that when the report of the Committee was received, he would then be able to answer the question.

Timber Duties.] Mr. *Hume* asked the right hon. Gentleman whether it was his intention to introduce any measure for the alteration of the timber duties?

Mr. *P. Thomson* said, that as any great alteration in these duties must depend, not only on circumstances connected with policy, but also on circumstances connected with the revenue of the country, it was not now in his power to answer the question.

Registration and Marriage Acts Suspension Bill.] On the motion of the Attorney-General, the House went into Committee on this Bill.

Mr. *O'Connell* wished to know whether, in considering this Bill, an opportunity would be given to correct what was erroneous in the last measure. He hoped it would be so framed as that such amendments could be made. According to the provisions of the Bill of last Session, no chapel could be registered unless as a separate building. Now that was inconvenient, for there were many chapels which existed in connexion with other buildings.

Lord *John Russell* said, that there would be an opportunity afforded at a future period of introducing any amendments that might be agreed to by the House.

Mr. *Wilks* hoped that the Bill would be postponed for a month, in order that full opportunity might be afforded for introducing such improvements as might be suggested. He expected to receive many valuable suggestions from the Dissenters in different parts of the country.

Mr. *Baines* wished to say a few words with regard to one point relating to the reading of notices before the guardians of the poor. That part of the measure was generally conceived by the Dissenters to be derogatory and insulting, and he was sure that it was not the wish of any branch of the Legislature to accumulate insult on the heads of those whom the Bill originally intended to relieve. There was another point to which he begged to call the attention of the House, and he hoped they would not fail to take it into consideration. It was that part of the Registration Bill by which the guardians of the poor were to be made the superintendent registrars of births, marriages, and deaths. This was an exceedingly objectionable part of the Bill. It was the seventh clause, and if any arrangement could be made to obviate this objection, he thought it would be very acceptable to those on whose behalf it was intended that the Bill should operate beneficially. He was sure his hon. Friend, the Member for Boston (Mr. Wilks), would be disposed to give every attention to these points, and that his Majesty's Government would be disposed to co-operate in any measure that tended to give to those who were interested the full effect of the relief sought.

Mr. *Wilks* admitted that the first point adverted to by his hon. Friend was a monstrous evil on the part of the Dissenters of this country, and one to which every Member who took an interest in behalf of the Dissenting body was bound to give every attention in his power. As to the other point, he was not prepared at that moment to pledge himself, but he would give it every attention.

The Bill was reported, with the amendments; and the House resumed.

Privileges of the House.] Mr. *Bernal* presented a Petition from Messrs. Hansard, printers to the House of Commons, stating that an action for libel had been commenced against them for publishing a Report of a Committee of the House, and praying for relief in the matter. He moved that the petition be read.

The petition was read by the clerk, which stated that in 1828 the petitioners had been appointed, and had since continued to be, printers to the House; that by certain resolutions of the House, of 13th August, 1835, and 18th March, 1836, all Parliamentary papers and reports were directed to be sold to the public by the petitioners, at a rate below their actual prime cost; that they had printed a Report of the Commissioners for inquiring into the state of prisons, wherein it was stated that many of the prisoners had been found reading obscene works printed by J. J. Stockdale; that Stockdale had subsequently commenced an action for libel in the King's Bench against them; and had estimated his damages first at 1,000*l.*, but had subsequently increased them to the enormous sum of 20,000*l.*; that the case stood for trial on Tuesday, the 7th of February next; and that the petitioners had directed their solicitor to take the necessary steps to defend such action. The petitioners then stated that they had, under the advice of an eminent special pleader, as a bar to such action, pleaded that they were printers to the House of Commons, and had, therefore, printed the Report under the sanction and authority of the House, but that the Court of King's Bench had since ordered the plea of justification to be struck out of the record. They, therefore, prayed the protection of the House.

Mr. Bernal then moved that the petition be referred to the Committee of Privileges.

The *Speaker* said, on referring to the reports, he found that in a case where an action had been brought against the Speaker and the Sergeant-at-Arms, the opinion of the House seemed to be that the plea ought to be so framed as to allege specifically and distinctly the authority of the House in defence of the action. In this it was doubtful whether the plea had been so framed; and it would only be prudent in the House to pause, till that point were ascertained and not enter hastily into a contest on a question of privilege.

The *Attorney-General* happened to be counsel in the case, and would take care not to make allusion to the merits of it. But he was anxious for the sake of the learned Judge that it should be fully understood by the House that he meant no disrespect whatever to the House by the order he made, because all that he meant was, that the special plea of the privilege of the House was wholly unnecessary, inasmuch as it was competent for the defendants to give that matter in evidence under the plea of the general issue. He would just suggest to the House that if they did wish to protect persons from the consequences of publications made under their authority, it might be necessary to have a new law upon the subject.

Mr. *O'Connell* certainly did not wish to make any reflections on the motives of the learned Judge; but it appeared to him (Mr. O'Connell) that the judge had taken a most inconvenient course. If the plea had been left on the record it would have been decided at once whether in point of law it amounted to a justification or not, and that without the expense of a trial, because if the plea had been demurred to, then the question would have been simply a question of law and decided by the court; whereas under the general issue it could only be tried before a jury. This was a demonstration how inconvenient the practice of pleading the general issue in many cases was. The general plea denied the publication, and put it upon the plaintiff to prove it. Now that was not Mr. Hansard's defence at all. He admitted that he published the Report, but he also alleged that he published it by the authority of the House. By striking out the plea of justification, therefore, they were to have a trial, not to ascertain these facts (which were already admitted), but to ascertain whether these facts amounted to a justification. Now that could have been ascertained without a trial if the plea had been left on the record. It was impossible that the House could order a man to print and publish a paper, and afterwards allow an action to be brought against him, without extending to him the protection of the House. If a wrong had been done by the publication, the House itself ought to afford compensation.

Mr. *Williams Wynn* said, when the House ordered a publication of its Reports, not for the use of the Members only, or when it authorised any person to sell those Reports, that certainly was a publication by its authority, and was within the case which occurred at the close of the reign of Charles 2nd. In that case the Speaker was proceeded against in the Court of King's Bench for having licensed a certain publication. He pleaded in justification the authority of the House; that plea was overruled by the judges, and it was afterwards declared that the decision of the judges was a violation of the privileges of the House; and the judges were called upon to answer for it at the Bar of the House. No doubt the authority of the House might be given in defence upon the general issue, but if it were put on the record it was a plea which, in his opinion, ought not to have been overruled. He could not conceive that it was necessary to make any new law upon the subject. He would not enter into the question as to the expediency of licensing and selling Parliamentary papers, but he very much doubted the expediency; but having granted that licence he was bound to say those acting under it could not be amenable to any law for so doing. Unquestionably this case would induce the House to exercise a more jealous control over the papers published by its authority. It was no longer ago than at the close of the last Session, to his great surprise, he found in the Report of the Committee of Petition a petition printed containing the stronges charges, in the most offensive and scandalous language, against Lord Chief Justice ———. He was sure if that petition had been read to the House it would never have been suffered to lie upon the table unless some Member should have given notice that he intended to ground upon it proceedings that would give an opportunity to the learned Judge to make a defence. As it was now, it stood upon the journals as a most offensive production, and he certainly should take an opportunity, unless some proceedings were intended to be grounded upon it, to move, as in other instances had been the case, that the petition be expunged from the journals of the House.

Mr. *Cutlar Fergusson* said, that the petitioners ought not to have pleaded the general issue at all, but only a justification. He did not think it was too late to move the court to allow the plea of the general issue to be withdrawn, and the plea of justification entered on the record. He had no doubt that such an application would meet with success.

Sir *Robert Peel* hoped that the House would take no step which would interfere with the regular course of justice. He apprehended that under the plea of the general issue the defendant might give evidence of his having acted under the authority of the House. In his opinion, it would be better for them to postpone the matter until the decision of the Court of King's Bench had been given, because the House were at perfect liberty at any time to take such steps as they pleased to vindicate their privileges. He would, therefore, suggest that the hon. Member who had presented the petition should move that the debate be adjourned until after the question had been settled in the court.

Sir *W. Follett* agreed with the suggestion of his right hon. Friend. He thought that many of the observations of the hon. and learned Member for Kilkenny were totally without foundation. The learned Judge had no discretion, but was bound to remove the plea from the record, on the ground that Mr. Hansard had not thought fit to stand upon the defence that he had printed the Report by the authority of the House alone; but he had also pleaded the general issue, and had, moreover, taken upon himself to plead that the allegations which were printed were in point of fact true. He having so done, upon a summons being taken out before the learned Judge to remove the special plea, he was bound to remove it if, in his opinion, the matter of that plea could be given under the general issue, unless Mr. Hansard first withdrew the plea of the general issue. If Mr. Hansard had been content to stand upon what was, in his (Sir William Follett's) humble judgment, a conclusive defence—namely, that he printed the Report on the authority of the House of Commons, the learned Judge would have allowed that to remain upon the record, and a judgment would at once have been taken upon it. If it should appear on the trial to-morrow that Mr. Hansard did so publish it, it would be a justification. Therefore this House ought not to interfere at all, unless it saw that the court of law was running counter to the orders of the House. He, therefore, agreed with his right hon. Friend that the best course to adopt would be to see what should be done before the learned Judge to-morrow; and if he should tell the jury that the defence was a conclusive one, then there would be no necessity for the House to interfere.

Mr. *O'Connell* certainly thought that Mr. Hansard had embarrassed himself. Why should he plead the truth of the publication? Neither had he any reason to plead the general issue. Having done so, he must take the consequences.

Lord *John Russell* hoped there was a general agreement in the House that, with respect to the publication of papers by the authority of the House, the protection which the privileges of the House afforded would be extended over those who made such publication. It did not appear to him, however, that the order for printing and publishing the papers by individuals at all differed from the species of publication which took place previously among the Members themselves. He would add, that he trusted this case would be disposed of in the way proposed by the hon. and learned Member for Exeter. With respect to this particular case, it did not at all resemble the case of the petition alluded to by the right hon. Gentleman, containing matter of a scandalous nature concerning the Lord Chief Justice. It was one which formed a legitimate subject for the attentive consideration of the House and the public. It would be recollected, the inspectors of prisons had been appointed in consequence of an Act of Parliament passed the year before last; and they were ordered by himself, as Secretary of State for the Home Department, to make a report. In one of those reports, it was stated that they had found in some of the prisons various newspapers and other publications, and the inspectors did no more than their duty in communicating to him what they thought of the character of those books and newspapers; while, in his opinion, the House of Commons did no more than its duty by ordering that report to be printed. It was a publication which was essential to their proceedings and to a due consideration of the important subject of prison discipline.

Mr. *Roebuck* considered no person publishing papers under authority ought to be exposed to the trouble and expense of such an action as this. On the contrary, whoever published under the sanction of the House ought to do so under perfect security. To say that there was a difference between publishing and selling that which was published, was a distinction worthy of lawyers, but not consistent with common sense. The moment a thing was printed it was published to all intents and purposes; and courts of justice had determined that putting a letter in the Post-office was a publication; and whenever the votes of that House were printed they were published—all the world knew them—all the world would know them—and the publisher ought to be protected.

Mr. *Williams Wynn* could not agree with the hon. Gentleman that the publication was of the same kind when a court ordered documents to be printed for its own use, and when it was sent out to the public. There was, in his opinion, a decided difference between one case and the other. The House could order documents to be printed, not only for its own use, but for that of the public; this, therefore, called for greater circumspection as to what documents should be published, and he wished, in making these observations, merely to show what inconvenience might arise from a want of this circumspection.

Mr. *Bernal* said, that whatever was the result of the action, he was sure the House would not suffer the Messrs. Hansard to suffer any loss. He looked upon this as a matter of course, and he would therefore move that the petition do lie on the table.

Agreed to.

Mr. *Williams Wynn* then asked the hon. and learned Member for Kilkenny, with respect to the petition he had recently referred to, whether it was his intention to found any proceedings upon it?

Mr. *O'Connell* said, when he was requested last Session to present the petition he told the parties that he did not think it was a petition that ought to be presented to the House, unless somebody was disposed to follow it up by bringing an accusation against the judge, and that, in his opinion, it contained statements of that nature which could not be well followed up. The party replied, that all he required him (Mr. O'Connell) to do, was to present the petition, and he (the party) would get persons to bring the matter of it before the House. He begged to add, that when he presented the petition he had no idea of its being printed or published.

SELECT COMMITTEES EVIDENCE.] The Select Committee to inquire into fictitious votes (Scotland) having been nominated,

The *Speaker* said, I hope that the House will allow me to recall their attention to the discussion which took place a few nights ago, with respect to the evidence taken before Select Committees. It is probable that it will be an important part of the duty of the Committee now appointed to examine witnesses, and to report their evidence to the House. The occasion, therefore, is appropriate. When this House appoints a Select Committee to inquire into and report upon any matter referred to them, a very important duty is devolved upon the members of the Committee, who are responsible, and are bound to discharge it with accuracy and fidelity. A practice has prevailed of allowing witnesses to alter and add to the testimony they have given before the Committee; and this, too, without the alterations and additions being submitted to the Committee, so that the witness might be examined as to the alterations or additions. This practice cannot be defended. It is not evidence given in the presence of the Committee, but evidence altered and added to by the witness in his private apartment. This practice, when carried to the extent that is now not uncommon, tends to destroy the character for accuracy and fidelity which ought to be impressed on evidence which purports to have been given in the presence of the Committee. The witnesses have been in the habit of retaining the evidence in their possession for so great a length of time as to have, in very many instances, delayed the printing and circulation of the Report and Evidence, to the serious inconvenience of this House. The simplest way of correcting these evils is, by requiring that the evidence, when written out from the shorthand writer's notes, should be sent direct to the printer, so that it may be printed forthwith. If the witness chooses to see his evidence after it has been printed, he may attend the Committee for the purpose of correcting any verbal mistakes, to which, as a rule, corrections ought to be limited. If the witness wishes to vary and add to his evidence, he ought to be re-examined before the Committee, and be subjected to proper examination. It has been suggested, that cases occur, in which witnesses are examined as to opinions on difficult and abstruse subjects; and that they cannot answer satisfactorily on the sudden; and, therefore, that in such cases alterations and additions ought to be sanctioned. The remedy for this is, that the witness, if he be not prepared to answer on the sudden, should ask for delay, and a future day should be appointed for his examination. By these means the evidence will be what it ought to be—evidence given before the Committee; and where an opportunity has been afforded for examining the witness as to all the facts and opinions contained in his evidence. Greater attention on the part of the Chairman and the Committee may be necessary, if these rules are adhered to. But, in truth, time is always saved by doing business with care and accuracy; and especially it is important that the questions proposed by Members should be stated with brevity, clearness, and precision. The shorthand writers ought always to be sure that they have collected accurately the question or the answer before they write it down; and hence the necessity for alteration will be avoided. If the shorthand writers be inefficient, the Committee have a right to expect that they shall be attended by efficient persons, as the remuneration given by this House is ample. The name of the shorthand writer who attends a Committee, should, on each day of the sitting of such Committee, be given to the Chairman; and the shorthand writer ought to sign his own notes. In all this there is nothing of novelty: it is only reverting to the ancient and better practice of this House, and it is in conformity with the practice which prevails in Election Committees. If it shall be the pleasure of the House to sanction the course now suggested, it will be my duty to do all in my power to secure the observance of these rules.

IMPRISONMENT FOR DEBT.] The *Attorney-General*, in rising to move for leave to bring in a Bill to abolish Imprisonment for Debt except in cases of fraud, said, that he did not propose to enter at large into the subject. It had been frequently discussed in that House, and the House had frequently expressed a strong opinion as to the propriety of abolishing imprisonment for debt, except in cases of fraud. He would explain, as briefly as possible, the points in which the Bill which he now asked leave to bring in, differed from the Bill which he had formerly presented to the House. One difference was, that the present Bill was much shorter than the former Bill. He therefore trusted that some of those hon. Members who had offered opposition to his former Bill would not offer any to the present. Indeed, he entertained some hopes that his hon. Friend, the Member for Knaresborough, would second his present motion; for he had discarded that part of his old Bill to which his hon. Friend had objected so strenuously—he meant that part of it which related to speedy judgment and execution upon bills of exchange. He considered that that part of his former Bill might be spared now, on account of the great improvement which had recently been introduced into that department of the law by the judges. The progress of causes had been so much accelerated, the means of procuring justice were now so much more economical than formerly, that he thought he might safely omit that part of his Bill altogether. Another part of his former Bill related to a *cessio bonorum.* That he had also omitted, because he thought it ought to form a separate measure of itself. He had also discarded a third portion of his former Bill—he alluded to the penal portion of it, by which several new misdemeanours were created, which, if they existed at all, he thought they ought to form part of the new Bill for the consolidation of the criminal law, which he hoped would be introduced during the present Session of Parliament. The main objects of his Bill were to give the creditor an immediate remedy against the property, and to take away from him his remedy against the person of his debtor. To those two objects his present Bill would be confined. It had been stated by the late Sir Samuel Romilly, and indeed by every person who had considered this subject, that the law of England was in a lamentable state as to the remedy of a creditor for any debt adjudged to be due to him. He had, in fact, no direct remedy against a great part of the property of his debtor. He could not seize the money, the bills, the book-debts, the bonds, or indeed any security of his debtor. All the freehold property of his debtor was exempt. His copyhold property could not be touched. Half of his funded property might be taken, but that only under peculiar circumstances. Was it not much better that the creditor should have a remedy against the money, the funds, the book-debts, the bonds, the bills ef exchange, and the landed property of his debtor, than that he should seize his person, incarcerate him, when he could set all his creditors at defiance by living in prison on the proceeds of his property? The first great object of his Bill would be to enable the sheriff to seize on the money, the bills, the book-debts, the bonds, the funded property, the copyhold and freehold lands of the debtor. He proposed that a judgment should be a charge on the real estate, so that if, after twelve months, the debt should not be discharged the party holding that judgment should have the same remedy against the land as if he held a mortgage upon it. Giving this advantage to the creditor, he proposed to enact that he should no longer have any power over the person of his debtor. At present the creditor had power to seize the person of his debtor in order to get at his property; but if the Legislature gave the creditor power to get at the property of his debtor, it ought not to place the person of the debtor at the mercy of his creditor. He proposed, therefore, that except in cases of fraud, the creditor should not have the power of seizing on the person of the debtor. The number of persons confined in gaol for debt was between 13,000 and 14,000 and three-fourths of them were living on the gaol allowance, and had no property to dispose of. He thought it right that those persons should be discharged out of custody, and that they should be allowed an opportunity of maintaining themselves and their families by honest industry. He by no means proposed to take away the power of imprisoning for debt in all cases; on the contrary, it would be provided by his Bill, that whenever fraud was discovered it should be punished; and consequently the judge would, in every such case, be allowed a discretion, to be exercised according to circumstances, of ordering that the debtor should be imprisoned. Moreover, whenever a creditor should swear that he had reasonable cause to believe that his debtor was about to abscond from the country, with the view of defrauding his creditors, the power of securing the person of the debtor, which at present existed, would still remain. He proposed that, after judgment had been obtained, the debtor should be required either to pay his debt within a certain time, or to give an account of his property. If that account should be considered unsatisfactory, the debtor should have an opportunity of offering explanations relative to it before the commissioner; but should it be found that he did not honestly disclose the amount of his property, or refused to surrender it for the benefit of his creditors, he would then be liable to a strict imprisonment—not, as was often the case at present, to a mock imprisonment, which did not prevent the debtor from keeping a handsome house, and living in a style of the greatest luxury. He would, in fact, be kept *in salvâ et arctâ custodiâ*. Such was the principle of the Bill, which he believed would prove mutually beneficial for the creditor and the debtor. There was another point, with respect to which the present Bill differed from the one which had been formerly introduced. It was urged, as a strong objection, that the Government, while endeavouring to amend the law, proposed to create a great number of new judges; and it was said that the patronage of the Crown would be increased in an alarming manner. Now, he would declare most sincerely, that he always found that in introducing new Bills the creation of new offices was, so far from being desirable, to be if possible avoided, because it always threw serious obstacles in the way of any improvement of the law. It was difficult to determine how the patronage thus created should be disposed of. If it was given to the Crown, it was immediately said that the patronage of the Crown was improperly increased. If it was given to the Lords-lieutenant, to the *custodes rotulorum*, or to the Quarter Sessions, there would then always exist a great danger that improper appointments would be made, and that much more jobbing would take place than could be apprehended if the patronage were placed at the disposal of a responsible Minister of the Crown. Under these circumstances, he was happy to inform the House, that he had so framed the present Bill as to render new appointments unnecessary. He hoped that the new system might be worked by means of the machinery already in existence. As that part of the Bill relating to the *cessio bonorum* had been got rid of, the provisions of the Bill might be carried into effect within a radius of forty miles round London by the Bankruptcy Commissioners; and in other cases the Court of Review would be empowered to appoint a special commissioner, to examine the debtor and to do justice between him and his creditors. There would, consequently, be no permanent addition to the judicial establishment of the country, and the proposed system would be less expensive than the existing one; for the House would remember that it appeared by the Report of the Commissioners on this subject, that the expense of giving bail alone, which would be rendered unnecessary by the provisions of his Bill amounted to the annual sum of 300,000*l.* The hon. and learned Gentleman concluded by moving for leave to bring in a Bill "to extend the remedy of creditors against the property of debtors, and to abolish imprisonment for debt, except in cases of fraud."

Mr. *Richards* quite concurred in the propriety of making a broad distinction between the fraudulent and the honest debtor; but, in his opinion, it was a more difficult task to draw the line than the hon. and learned Gentleman seemed to think. The hon. and learned Gentleman had not shown the House how that difficulty was to be overcome. He hoped, however, that especial care would be taken to make the provisions of the present Bill answer the expectations which its title gave rise to. The last Bill brought forward on the subject would have created immense patronage for the Government, and, instead of being of benefit to creditors, would have been a mere Bill of pains and penalties. The individual to whom the drawing up of that Bill had been intrusted seemed to have the same opinion as the hon. Member for Bath of his Majesty's Ministers. The Bill had been drawn up knavishly for the purpose of increasing the patronage of the Ministers, and of bringing down the landed aristocracy. He did not accuse the Ministers of having read that Bill. He was sure, from an expression which he heard fall from the hon. and learned Gentleman (Sir J. Campbell), that the Bill had not been read by him until after the second reading. As for the noble Lord, the Secretary for the Home Department, he doubtless was too much engaged in writing learned disquisitions on the constitution, or too much attracted by the charms of the drama, to pay any attention to the subject. Nor was it to be expected that the noble Lord, the Secretary for Foreign Affairs, or the Chancellor of the Exchequer, could have devoted any time to the consideration of the subject—for the former had been trying to give a practical lesson of non-intervention to the Spaniards; and the latter had been endeavouring to sustain the value of his Exchequer-Bills. The hon. Member for Oxford (Mr. Maclean) had frequently put questions to the Government respecting the re-introduction of that Bill, but he suspected that even that hon. Gentleman had not read the Bill about which he appeared to be so anxious. It was undoubtedly true that the Bill passed that House, but, to quote the words of the late Mr. Cobbett, "he thanked God that we had a House of Lords." That House plainly saw that the professed object of the Bill, viz., the improvement of the law, was all a pretence. Their Lordships were not long in discovering that it proceeded from the same shop as the Irish Corporations' Bill and the Irish Church Bill came from, and that its object really was, to increase the patronage of the Ministers. He did not say it was directly the Bill of Ministers; it might have been drawn up by some of the understrappers of Government, and he had denounced it, as he did the present, as a knavish Bill and calculated to undermine the landed aristocracy of the country. He hoped such a Bill would never pass that House, and that ample time would be afforded for its discussion, at an earlier hour than two in the morning, and that it would not be allowed to go forth to the country deserving the character which he had felt bound to attribute to it. He trusted that ample opportunity would be given for the consideration of the new Bill, and he hoped that if it should be found at all similar to the former Bill, the

House would not hesitate to throw it out.

Mr. *Maclean* assured the hon. Gentleman who had just sat down, that he had read the former Bill; and that his object in questioning the Government about the introduction of a new Bill, was to ascertain whether or not an opportunity would be allowed for fully considering its provisions. It appeared to him, from the great many alterations proposed to be made in the new Bill, that the hon. and learned Gentleman opposite (the Attorney-General) admitted, that the House of Lords had acted perfectly right in not agreeing to the former measure. There were parts of the present Bill, which he thought the House ought to watch with extreme jealousy. The power which it was proposed to give to any creditor who should be prepared to swear that he suspected his debtor was about to abscond, of causing the latter to be incarcerated, was one extremely liable to abuse. The old Bill contained a provision which he considered highly dangerous, and to which he should be disposed to object, if it was comprehended in the present Bill; he alluded to the power given to the creditor of breaking into the house of a third party, in order to obtain possession of goods belonging to his debtor.

Mr. *Potter* felt sure, that the introduction of the Bill with the proposed alterations would give great satisfaction to the country, and particularly to the trading community.

Mr. *Ewart* said, that the former Bill, which had been described by the hon. Member for Knaresborough, as tending to undermine the landed aristocracy, only went to make them liable for their just debts; and if the hon. Member dared to maintain that that was an improper object of legislation, he should like to know what sort of constituency it was that sent that hon. Member to that House? He was astonished to hear the hon. Member charge the party who had drawn up the former Bill with having knavish purposes in view.

Mr. *Richards* rose to order. The hon. Member for Liverpool had attributed words to him which he had never used. He never charged the party who drew up the Bill with having knavish purposes in view. What he said was, that the Bill had been knavishly drawn up; and that the drawer of it seemed to entertain the same opinion of his Majesty's Ministers as the hon. Member for Bath had of them.

Mr. *Ewart* put it to the House, whether the words used by the hon. Member did not convey an imputation against the Gentleman who had drawn up the former Bill. The *animus* which dictated the expression was evident.

Mr. *Richards:* I have explained the *animus.*

Mr. *Ewart* continued. He was glad of the introduction of a measure so calculated to benefit the people as that of which the hon. and learned Gentleman (the Attorney-General) had explained the nature. It had been said by Lord Chancellor Eldon, that the law in its present state was barbarous, and he thought, that no one would be found to object to the introduction of a Bill for its amendment.

Mr. *O'Connell* said, that when the former Bill was under the consideration of the House, he inquired whether it was to be extended to Ireland, and was told in reply, that the machinery which was requisite for its operation was inapplicable to that country. He then resolved, after the English Bill should have passed, to ask for the introduction of one of a similar nature, adapted to the circumstances of Ireland. It now appeared, if he properly understood the statement of the hon. and learned Gentleman (the Attorney-General), that there existed no reason why the proposed measure should not be extended to Ireland, as all intention of erecting new tribunals was disclaimed. Under these circumstances, he thought it would be wise, as the proposed provisions were in his opinion highly salutary, to legislate for both countries in one and the same Bill.

Mr. *Hawes* said, that with regard to the opinions of the Common Law Commissioners upon the question, he would mention, for the information of the hon. Member for Knaresborough, that they, if not unanimous, were nearly so, as to the policy of abolishing imprisonment for debt, and those few who differed from the rest had published the reasons for their dissent. They had founded their opinions upon the evidence of tradesmen and other persons, capable of forming a correct judgment on the question, the majority of whom had stated, that the credit of the country could not be in the least degree affected by the abolition of imprisonment for debt. Under the existing system there was the greatest facility for getting at the person of a debtor, but none whatever for getting at his property. Many hon. Members thought, that securing the body of a debtor was a step towards getting hold of his property; but they were much mistaken. Debtors were discharged from prison without examination, and the greater part of those who remained in prison were extremely poor, and that at once ought to do away with any objection to their being set at liberty. He should give the Bill his best support.

Mr. *Pemberton* did not rise to prolong the discussion relative to the Bill of the hon. and learned Gentleman opposite, but to inquire of the Government, whether it was their intention to submit to that or to the other House of Parliament, any measure for the improvement of the administration in the Courts of Chancery. During the last Session of Parliament a measure was introduced by the Lord Chancellor, but it was considered so inadequate for its purpose, both by lawyers and all other persons, that no great regret was felt, that the measure was not proceeded with. The evils which then existed had since increased to a degree of which the hon. and learned Gentleman opposite might not perhaps be aware. Two years and a-half ago the arrears in the Court of Chancery were between 300 and 400, and they had now increased to between 800 and 900. In the House of Lords, too, the duties of the Lord Chancellor had greatly increased, so that the sittings in his own Court were frequently interrupted. Added to this, the Court of Privy Council had occasioned extreme inconvenience by totally altering its arrangements. It formerly used to hold its sittings during the holidays, when no other Court was open; but it now sat at times when business was being transacted in other Courts. Still its sittings were so unfrequent, that it could not acquire a bar for itself; and consequently the gentlemen of the profession were obliged to neglect the interests of their clients, either at the Privy Council or at another Court. The hon. and learned Gentleman proposed by the provisions of the Bill he had asked leave to introduce, to throw some duty on the judges of the Court of Review. He was very glad to hear of such an arrangement, for there certainly was no body of men in the country so much in want of employment as those learned individuals. It was not his intention to comment on that matter; all he wished to know was whether the Government intended to bring the whole subject to which he had alluded under the consideration of Parliament? He could not help thinking, that it might be desirable to have it first discussed in that House. There were, undoubtedly, in the other House, persons of high eminence, but they filled or had filled judicial situations; and persons at the bar might be able, on account of their peculiar position, to throw some light on the subject, which perhaps could not be afforded by individuals in a superior station.

The *Attorney-General* admitted the existence of the evils to which the hon. and learned Gentleman had drawn the attention of the House. He believed there could be no doubt, that, in consequence of the increased population, and the increased wealth of this country, the present judicial establishment was inadequate. That judicial establishment continued, in point of fact, in almost the same state as it was at a period when the kingdom was six times less populous, and twenty times less wealthy. He could assure the hon. and learned Gentleman, that the subject to which he had alluded was under the serious consideration of the Government, and he had no doubt, that during the present Session, and at an early period, it would be brought under the consideration of that House, care being taken to give time for the fullest and most mature discussion.

Leave was given. The Bill was brought in and read a first time.

ANSWER TO THE ADDRESS.] Lord J. Russell appeared at the Bar, and read his Majesty's answer to the Address, which is as follows:—"I have received with satisfaction your loyal and dutiful Address. I rely with confidence on your mature consideration of those subjects to which I have called your attention. It will be my earnest endeavour, with the blessing of Divine Providence, to preserve the peace of Europe, to maintain the honour of the Crown, and promote the happiness of my subjects."

REGISTRATION OF VOTERS.] The *Attorney-General*, in moving for leave to bring in a Bill for the better regulation of the Registration of Voters in England, said, that upon reconsideration of the measure submitted to the House during the past Session, he had judged it proper, with the consent of the House, to introduce a few changes, the tendency of which would, in his judgment, decidedly be to improve the system of registration generally. Instead of having 175 judges, as at present, of the claimant's fitness for the concession of the franchise, he proposed having only eight or ten—an abundantly sufficient number for practical utility. He also purposed introducing a modification into the questions which were put to electors upon going to the poll, respecting the fact of their residence in the premises, out of which they registered during the year preceding. By the existing system, not fewer, perhaps, than 10,000 persons were liable to disfranchisement, in consequence of change of premises, although they had moved to a better house than that which they had occupied at the period of registration, and were subject to the payment of a higher rent. He (the Attorney-General) proposed introducing an alteration, to meet this inconvenience, into the Bill which he should have the honour to submit to the House, and he hoped to be permitted to do so without opposition.

Mr. *Maclean* wished to know in whom was to be vested the appointment of the individuals, who, according to the hon. Gentleman, were to be intrusted with the superintendence of the registries, and the right of deciding upon claims to the franchise?

The *Attorney-General* entertained the hope, that in this respect an arrangement every way satisfactory to the House would be entered into. He had been most anxious before the introduction of the Bill of last Session to vest the appointment of the superintendents of the registration in the Speaker; but that right hon. personage disclaimed the exercise of any such power. A difficulty now existed as to whether the right of appointment should be vested in the Secretary of State for the Home Department or in the Lord Chancellor. He would, however, apply his attentive consideration to the fittest arrangement in this matter.

Leave granted. Bill brought in and read a first time.

JOINT-STOCK BANKS.] The *Chancellor of the Exchequer*, in rising to move the renewal of the Committe on Joint-stock Banks, said, it would be in the recollection of the House that last Session, on the motion of his hon. Friend behind him, the Member for the Tower Hamlets, a select Committee was appointed to consider the state of the law in relation to Joint-stock Banks. That Committee was generally assented to, and although on the part of the hon. Member for Middlesex, there appeared a disposition to extend its inquiries further than was contemplated by the hon. Member for the Tower Hamlets, there was evinced no desire to resist the inquiry itself. The Committee which was appointed in May, proceeded to apply itself with great industry to the points referred to it by the House. It sat till the close of the Session, and examined vast numbers of witnesses, on whose testimony it was no part of his present business to comment; but the whole of it was before the House. It then became a question with the Committee whether it would be wise or prudent to legislate at that period. The subject was fully considered by the Committee, and the advantages and disadvantages of immediately legislating occupied their attention during two days' deliberation. The opinion of the Committee on the point was stated in the report, to the effect, that they saw so many difficulties in the way of immediate legislation, and so many objections to imperfect legislation, that they preferred recommending that the Committee should be revived in the course of the present Session, and that, in the meanwhile, their report should be circulated in the country. It was in obedience to that recommendation that he now begged to propose the revival of that Committee. He trusted that those gentlemen whose cooperation he had benefitted by in the Committee, that those gentlemen who had acquiesced in the appointment of that Committee, had since the 12th of May seen no circumstance which could induce them to withhold their support from him on the present occasion. He trusted that the experience which they had had in the interval between the close of the last Session and the present period, was not such as to indispose them from at least renewing the Committee. As the proposition he was about to make was for the continuation of the Committee, it would be highly inexpedient on his part to presume any anticipation of what might be the opinion of the Committee on the subject, but he should be greatly misconceived if it were considered that his motion was one made in hostility to the principle of Joint-stock Banks, or the established system. It was well understood that the Act 2 Geo. 4th, was rather considered, when it was passed, as an experiment, and it was obviously necessary that time should elapse before it would be possible to form a deliberate opinion on the subject. Now, however, a great many facts were before them which would enable them to judge whether the practice under the Act in question, and the Act itself, required amendment. The very large majority of witnesses examined on the part of the banks, while maintaining the decided usefulness of a well-understood system of Joint-stock Banking, united in the opinion that the law required amendment, for the protection of the banks themselves, of the people, and for the general protection of the credit and currency of the country. [*Hear.*] It had been suggested that the Committee should extend the range of its inquiries; but he would appeal from the Gentlemen who cheered to the Gentlemen on both sides of the House who had been on the Committee, and ask them whether the subjects before them had not been in themselves sufficiently complicated and difficult without embarrassing themselves with new and still more intricate and delicate subjects for consideration. It was out of the question to require the Committee to embark upon the whole question of the currency, or the renewal of the Bank of England charter in connection with Joint-stock Banks. He did not mean to say, that it would have been possible to carry on the investigation before the Committee without looking into the effect of the Bank of England circulation in relation to these banks; this sort of incidental inquiry was indispensable to the development of the subject; but to open the whole question of the currency and the Bank Charter in that Committee would only tend in a very great degree to embarrass its proceedings. The House would recollect, that in the last Session his language on this subject had been at all times that of caution and warning; that he had said nothing in any part of the discussions of last year that in the least degree tended to give an exaggerated hope of national prosperity or increased enterprise; indeed, an hon. Member had almost reproved him for his extreme caution in this respect. But, at the same time, the language of caution need not be the language of despair, and he was as little disposed to speak despairingly now as then; but in the same spirit of caution he would now entreat hon. Members who might be disposed to extend the circle of the Committee's inquiries to beware lest they thus inflicted a permanent injury on the best interests of the country. He should reserve to himself the full power of addressing himself to the subject of any amendment which might be made upon his motion. It was his intention to propose the extension of the inquiry of the Committee to Ireland. Several circumstances in connexion with the circulating medium in that country, which had taken place in the course of the last six months had been such as greatly to excite public attention. Whatever amendments hon. Gentlemen might be disposed to move to extend the inquiry, with a view to improve the law respecting banking, he begged to say he was himself prepared to extend it to Ireland; and in order to give the Committee the assistance of some Irish Members in the course of its deliberations, he proposed to add to the Committee of last Session four Irish Representatives; two taken from one side, and two from the other side of the House. It was perhaps absurd in him to talk of the two sides of the House in relation to a subject of this nature; for he was bound to say, that in the inquiry of last year all party feeling was completely lost sight of, as it surely ought to be in a question in which were involved interests on such immense magnitude as the banking interests of this country—interests on which the commercial credit of the country was entirely dependent. When such interests were at stake all might be satisfied that no party feelings or differences would be allowed to interfere with the due exercise of the best judgment which each individual Member of the Committee could bring to bear on the subject. He should conclude with moving, in the terms of the motion of last year, that a Select Committee be appointed to inquire into the operation of the acts for promoting the establishment of Joint-stock Banks under certain restrictions in Great Britain and Ireland, and to determine whether it was expedient to make any alteration in the provisions of those Acts.

Mr. *Hume* was fully aware of the importance of the present question, and he begged the indulgence of the House while he made a few observations in relation to it. The right hon. Gentleman had stated that the Committee of last year was appointed with no hostile view towards Joint-stock Banks, and he was not disposed to say it was; but he believed the Joint-stock Banks entertained a different opinion. He would set out by declaring it his conviction that no banking system could be perfectly safe, unless founded on the principle that bank-notes should be changeable for bullion or coin on demand. That was the very essence of the security which the commercial interests were entitled to. Unfortunately the late Chancellor of the Exchequer, in granting the last Bank Charter, consented to the introduction of a clause in which that essential principle was departed from. He took the sense of the House on the Clause to which he was referring, and in doing so told them that it was fraught with evil; that sooner or later even those authorities of the Bank who recommended it to him would regret its being embodied in their charter; that it would most certainly lead to such a surplus of paper, and consequently to such accommodation and speculation, as must eventually endanger the credit of the country. This was the opinion he had expressed in the debates on the Bank Charter, and he would now proceed to vindicate the course he took last Session, when he proposed to extend the inquiry, unless it were apparent that it was proposed for some very different purpose than the one avowed; but here was a question mooted of deep public interest, and he expected that his motion for the omission of the clause he had alluded to would have received some attention from the Committee. He was sorry, on reading the evidence, to find that not a single question wes put to ascertain what was the effect of the paper of the Joint-stock Banks being made payable in the country in Bank of England notes. If such a question had been put, the inquiry was certainly not pursued. He had no hesitation in saying he regretted now that his amendment was not carried, and also the manner in which the present inquiry was carried on. He agreed with the right hon. Gentleman that this was a critical period—he agreed with him that mischief or good would result according as this inquiry was proceeded with—but he must press for inquiry when he saw enactments on Banking which he believed to be fraught with the sacrifice of millions of capital. He told Mr. Canning and Mr. Huskisson that they were mistaken as to the sources of the mischief when they were attributing the panic of 1825 to the country banks, without any proof that it was so. He observed, on that occasion, that the whole issue of the country Banks could not possibly produce the least effect on the circulation. The House, he would contend, legislated on wrong information; and let any commercial man look back to the withdrawal of the small notes from circulation, and say whether that had not been productive of the most serious and lamentable inconvenience. The right hon. Gentleman told them that an inquiry into the Bank Charter would be an incidental inquiry; his proposition, however, was not to open the question of the Bank Charter, but only to inquire with a view to ascertain what had been the discretion exercised by the Bank of England. He felt bound to say that he knew no individuals who were more anxious than were some of the official gentlemen connected with the Bank of England to do justice and see the duties of their office efficiently performed, yet he had no hesitation in also declaring that he did not think their proceedings had manifested a knowledge of the principles on which they ought to act, and, therefore, whatever changes had taken place in the currency in the last few years had been owing to the management of the Bank of England, and not to that of the Joint-stock Banks. If he could make that out he hoped the House would go with him in adopting his proposition, which was to extend the inquiry to Banks in general, and to the causes of those ehanges in the currency which had occurred during the last two years. His object was to show what ought to be the principle of Banking; to show what ought to be the system here and what had been the results from the system adopted here and elsewhere. The right hon. the Chancellor of the Exchequer proposed that the Bank Charter should be the subject of an incidental inquiry; he would have it the subject of their principal inquiry. He was prepared to show that if evils had resulted from a surplus currency, they were not produced by the Joint-stock Banks, but by the Bank of England. If he should show that the evils of speculation had arisen which had led to a sudden restriction of the currency—if he should show that great changes had taken place which had thrown an artificial value of five, ten, or more per cent. on some particular commodities, and in a few months had depressed them to an equal amount—if he should show that anything had occurred which had interfered with the public credit, and placed it, though it had always heretofore been as high, below the credit of a neighbouring country—if he should show that the interest paid on Exchequer Bills in England was higher than the interest paid on Exchequer Bills in France—if he should show that within the last twelve months the credit of England, as regarded Exchequer Bills and the Funds, was higher than that of France, whereas now it was deteriorated—if he should show the existence of such a state of things, he would ask the House was not that a fit subject for inquiry? The right hon. the Chancellor of the Exchequer said nothing had occurred since the last meeting of Parliament to throw doubt on the utility of the inquiry. Certainly nothing had occurred. His object was, to urge inquiry, not to limit it. When he saw an attempt made to attribute an evil to Joint-Stock Banks of which they were comparatively innocent—he admitted they were not altogether so—he considered himself bound to endeavour to fix it on those whom he considered the real offenders. In characterising the course which had been taken as an offence he did not mean to attribute anything worse than a want of caution and the violation of an important principle. The right hon. the Chancellor of the Exchequer said, they ought to proceed with great caution in an inquiry of this description, inasmuch as the interest of every man in the community was more or less affected by it; he agreed so far with the right hon. Gentleman, and on that very ground would ask the House to go along with him in his proposition. He begged to divert the attention of the House to what must have attracted considerable notice during the inquiry of the Committee of 1819; he referred to a portion of the evidence of Mr. Alexander Baring, who was considered one of the best of the authorities examined by the Committee. A question was asked of him, the object of which was to ascertain whether greater changes in the currency had taken place in France or in England. Everybody knew what changes had taken place in this country from 1797 till the period when the right hon. Baronet opposite (Sir R. Peel) introduced his Currency Bill. He admitted that one of the greatest benefits which had been conferred on this country was that Act of the right hon. Baronet by which he placed the currency on its present footing. Though the sufferings were great through which we arrived at a sound principle, those sufferings could not be fairly attributed to the measure of the right hon. Baronet, but were the result rather of the previous misgovernment. It appeared from the evidence that there was a paper currency in France, but none below the value of 20*l.* He believed it would be found he had stated the value correctly. The circulation in France was essentially metallic. The paper was issued by the Bank according to the demand, and it was never pushed, as it was in this country, for the purpose of making a profit by the issue, or for the encouragement of speculation. It discounted at all times at four per cent., and was a Commercial Bank. The reduction of the rate of interest by the Bank of England had been the cause of much of the evil of which we had to complain. The reduction of the rate of interest, and the amount of surplus money possessed by the Bank had increased speculation. The Bank of England currency had been chiefly paper. Let any one draw his conclusion from the results of the system in France, as compared with the results of the system in this country—let him make that comparison, and reconcile his mind to our system if he could. France had stood the shock of two invasions—she had to pay immense sums to the allies in the course of a few years—she had to bear up against the importation of corn to an immense amount, in consequence of the failure of her corn crops — she also suffered at another time from the failure of her wine crops, which were equally important to the industry of that country. Surely this would have been enough under other circumstances to have deranged her whole monetary system. Notwithstanding, however, that she had had these large sums to pay, no such changes in her currency, no panics, had occurred in that country as had taken place in England over and over again. The Bank of England availed itself of its assets to derive profits, and in doing so occasioned that excess in the currency which led to a restriction, and, the restriction being suddenly felt, a panic took place. By such management as was seen in 1825, as well as at the present period, the whole commercial community was, as it were paralysed. These were periods of the utmost danger; no man knew what to do, and no man knew what might be the result. He was anxious that they should look, not to Joint-stock Banks under the idea that they had created the difficulty, but that they should inquire into the proceedings of the Bank of England, which he believed in his conscience had occasioned it. He would have them ask themselves how it was that a wealthy country like England should be in a tenfold degree subject to these violent changes, while France, while Holland, while every other country, except America, remained undisturbed; and America had followed in a degree the steps of England, in consequence of the facilities which existed of her getting money from this country; she had suffered, but from the information he had obtained from an American paper he had received this morning, he believed her sufferings were entirely at an end. The great advantage which the commercial world enjoyed in America was, that they were enabled to borrow money at three per cent., while, if it were to save the first houses in London, no money could be borrowed here below the rate of five per cent. for a period extending beyond three months. He sincerely wished, that the Chancellor of the Exchequer would take a lesson from their mode of proceeding in America, and place the merchants of England in a similar situation to that of which the former enjoyed the benefit. He was desirous that the Committee should extend their inquiries with a view to ascertain the causes which had led to this state of things in England. For his part, he would state without hesitation what appeared to him to be the cause. He dated the commencement of the present panic to the 15,000,000*l.* loan which was raised in this country in 1834. It would be recollected what was the situation of the country when the vote for the West-India loan was passed. It was upon the circumstances which arose immediately subsequent to that vote that he founded his complaint against the discretion conceded to the Bank of England. On the 30th of June the Bank of England had a circulation of 29,000,000*l.*, and the circulation of the joint-stock banks, according to the report, amounted to 10,939,000*l.* The circulation of joint-stock banks was in reality considerably greater than the report alleged. For the year ending the 28th of December, 1833, the aggregate of the issues of the joint-stock banks, as stated in the report, was 10,152,000*l.*; and for the year terminating on the 25th of June, 1836, it was alleged to have amounted to 12,302,000*l.*, showing an increase of between 1,000,000*l.* and 1,500,000*l.* But it is worthy of observation that the periods at which the amounts were selected were the months of December, March, June, and September, within one week of the times at which the dividends were paid? and the issues of the banks were therefore taken at those periods of the year when the amount of their issues was necessarily the smallest. In consequence, therefore, of the dividends not being taken into account, there was never less than 4,500,000*l.*, sometimes 5,000,000*l.*, to be added—a sum which was uniformly issued during the week after the estimates were taken, for the purpose of paying the dividends. The Committee had in no part of their report stated, or in their evidence elicited this important fact, without a knowledge of which it was impossible to form a correct judgment on the subject. Having guarded the House against this error, and shown that the amount of the joint-stock-bank issues were nearly 1,500,000*l.* greater than the report stated, he would revert to the subject of the conduct of the Bank of England in relation to the West-India-Loan Fund. A paper which was laid on the table of the House by the Chancellor of the Exchequer at the period to which he referred contained these words:—" It is desirable to effect this loan with as little disturbance to the currency of the country as possible." For which purpose, in the preamble of the 3d and 4th of William 4th were inserted these words:—" The payments of this compensation to be made out of the instalments as they become due." He had before him a list of the awards made by the Commissioners for Claims to Compensations; and he had also a list of the payments, in making which the regulation properly introduced into the preamble of the Bill had been departed from. On the 16th of August, when the last five per cent. was paid, the amount of payment was 4,500,000*l.*, and the amount of award 4,700,000*l.* But although there had been a great regularity of payment, there had been no regularity of distribution, and hence the panic which followed. This he would endeavour to explain to the House. The Bank Directors had communicated to the Chancellor of the Exchequer their resolution not to give any accommodation; and they were perfectly right, for by restraining the disposition to make advances they did much to prevent irregularity. But the consequence of this was, that the contractors screwed down the Government to the utmost; they felt that the Government had no choice but that of treating with them, and therefore they drove a harder bargain with the Minister, by which naturally the public suffered. When, however, this damage to the public had been effected, then, and not till then, but just then, within one week namely, a notice was issued by the Bank, signifying its readiness to make advances on all good securities, at the rate of 3¼ per cent. Here was a temptation, and one difficult of resistance to the holders of omnium, to come forward and pocket ¼ per cent. But this was not all; it threw the whole sum of money into the coffers of the Bank, although the awards had not been made, they actually getting at one time, 11,000,000*l.* As the Chancellor of the Exchequer got the money, he paid it into the Bank; the Bank began to feel the redundancy of its capital; it began to feel that appetite for lending which was so natural to men having a surplus at their disposal, and accordingly loans were most readily granted. But what was the consequence? Why, that the same money was actually paying, at the one and the same moment, two distinct interests. No bank was ever known to have had such assets; at one time they had amounted to 20,000,000*l.*; an increase certainly, as could be proved by figures, on what they had previously possessed, but then one half of it was a loan of public money. When the notice of the willingness of the Bank to discount was made publicly known, there were also certain limitations announced, beyond the pale of which its assistance was not to be expected. These limits, however, did not fix any *maximum* boundary to loans; no, they merely fixed the *minimum*, but of a fixation of *maximum* they had no idea. He who wanted a sum less than 2,000*l.* could not get it; but he who wanted a sum above that, even were it half a million, could obtain it. This, of course, induced private bankers to make deposits of stock, or any other securities, with the Bank, and get advances on them, for the Bank discounted at 2½ per cent., and they, the private bankers, at five per cent. With the advances thus made, with this lucrative getting into debt, the private bankers furnished the means of starting railroads, and other speculations, which many regarded with so much apprehension. But, without attempting to determine whether or not those apprehensions were just, one thing at least might be asserted—the stimulus they had received was produced, not by the expenditure of private capital, but by the mal-administration of public funds. Up to that time, the Exchequer had been accustomed to draw on the Bank, and the money had been going out—that is, the Bank was placing itself under the obligation of taking up, if called on in 1833, 10,000,000*l.*; in 1834, 8,000,000*l.*; and in 1835, 6,000,000*l.* thus making a reduction of 4,000,000*l.* But on the 30th of June, of that year, they had 29,369,000*l.* out in circulation; for, of course, the notes which were out must be paid in metal, if sent in. When he had notes of the Bank of England, they became his debtors for the amount of those notes, and those notes were to him, as against them, what his checks were on his private banker. There was certainly one species of deposits which was not likely to undergo conversion often, and that was the species which represented trust-monies; but then the amount of trust-monies was never very large, and, as it varied but little, might be treated after the fashion of mathematicians, when dealing with what they termed constant quantities, and be disregarded. During the whole of this period, the exchange had been adverse to this country, yet in August their liabilities had increased to 36,600,000*l.*, and in the following January, the aggregate of all demands against the Bank, amounted to 36,421,000*l.* So little judgment, so little discretion, had they shown, that, although constantly losing money, they had increased their circulation to an excess of 7,000,000*l.* above that of the previous June. What was the consequence of all this? Why, that panic which in August last had so extensively prevailed, and which, even at the present moment, had not wholly subsided. In August, a disinclination to deal with American bills was manifested; then there followed a reluctance to discount generally, without reference to the class of bills. This feeling, of course, did not remain confined within the walls of the Bank of England, but was disseminated throughout the country. If the Bank would not discount for private bankers, private bankers could not discount for their customers, and thus the whole country felt the mischief of the unwillingness, or the inability. Hence the present restriction of discount, which was not confined to Joint-stock Banks only, but extended to banks of all kinds, no matter how the capital by which they were supported was contributed. The Joint-stock Banks would bear comparison with the Bank of England; for what was the fact? Their liabilities in 1835 were, in round numbers, 10,000,000*l.*, the present excess above that sum 1,300,000*l.*; while the excess on the part of the Bank of England was 7,000,000*l.* And what was the amount of the difficulties under which the Joint-stock Banks were labouring?—800,000*l.* only. If, then, the culpable excess of circulation on the part of the Joint-stock Banks was only 800,000*l.*, the danger produced by this was nothing compared to that caused by the Bank. In January, 1837, the liabilities amounted to 31,776,000*l.*, which was 2,500,000*l.* more than the sum to which they had reduced them in 1835; but if there were a diminution of obligations to the amount of 2,000,000*l.* and an increase of circulation to 2,500,000*l.*, it was not possible that gold could remain. The bullion had been reduced from six millions and a quarter to four millions and an eighth. There had been a diminution in the bullion to the amount of two millions, and an increase of two millions in the circulation. What did the Chancellor of the Exchequer say to this? Why, his only answer was this—that there was a complaint from every part of the country that the Joint-stock Banks had not capital; that they ought to have paid up their capital; and not having done so, they, therefore, were not in a condition to meet their issues. What, he (Mr. Hume) asked, was the condition of the Bank of England? Why, they had not one shilling of capital; it was all lent to the Government. This was a matter which the Chancellor of the Exchequer was bound to look to. He could tell the right hon. Gentleman, that if he permitted the present system to go on, unless that system was changed, very considerable danger must follow, and they would have to interfere with the public credit. It was on this account that he considered the sound policy was at once to look the danger in the face. Last year the hon. Member for the Tower Hamlets referred to this subject, and alluded to the difficulties likely to occur to their state of credit. The right hon. Chancellor of the Exchequer was quite right in saying now, that he had at the period referred to expressed a doubt as to the state of credit leading to danger and difficulties. His (Mr. Hume's) answer was, that there would be no danger and no difficulty if the Bank had acted as it ought to have done. It had been said, in answer to the hon. Member for the Tower Hamlets, that the best security for the public was the discretion of the able and honest men who acted as the managers of the Bank. Now, he should wish to know how the Bank allowed two and a half and three per cent. on deposits, while upon Exchequer Bills there was only two and a quarter. Public credit had been injured. It was, he considered, the duty of the Chancellor of the Exchequer to have prevented this, knowing, as he must have done, the continual drain of gold that was going on. When the Chancellor of the Exchequer found that Exchequer Bills were at a discount, they ought to have been instantly raised instead of allowing the matter to proceed as it had done. By not doing so, the Chancellor of the Exchequer had to do that doubly which there would have been no necessity for if done at the proper time. What situation, then, did they come to? The Chancellor of the Exchequer paid 228,000*l.* discount for the loan, and the consequence was, the money was paid into the Bank, which they lent; the Chancellor of the Exchequer then paid 450,000*l.* interest: thus, upon both transactions, there was a loss of 700,000*l.* to the public. He had already shewn that the present difficulties were to be attributed to the excess of currency and not to Joint-stock Banks, and that that excess was to be attributed to the Bank of England. The House, under these circumstances, ought not, he considered, to be led away by any inquiry into the state of Joint-stock Banks. There had been no failure of Joint-stock Banks. As to the Bank which had been assisted by the Bank of England, he considered the latter establishment would lose by giving that assistance. The Bank of England, he had no hesitation in saying, had endangered the public, and their issue of paper in that matter, would be yet found to be a drain on the public. It would, he thought, be much better to have let the Joint-stock

Bank take the consequences, than for the Bank of England to run any risk. Now, he observed, there was no inquiry as to private Banks. Had no private Bank failed? Why limit the inquiry when the House entered into it? He felt no hesitation in saying, that he had made out a case of complaint against the Bank of England. He had shown that there had been a loss to the public in the dealings on the Exchequer Bills. They paid more as interest now than was paid in France, a thing that never before occurred in the history of England. Did they want capital in England? No. Did they want enterprise? Did they want prudence in the management of their own affairs? No; but there was a body over whom they had no control, that raised and depressed at their will the value of currency, and of course of every commodity in the country. He wanted to have, then, an extended inquiry, to ascertain whether or not such a state of things was for the advantage of the public. No man could be more happy than he should be, if it were proved that his opinions were erroneous on this subject. As to the facts upon which his opinions were founded, they could not be disproved, because they were in the Returns then before the House. He was quite sure that the public who were so deeply interested in this subject, would not be satisfied unless they looked at existing evils as they really were. They should front the danger—they ought not to leave it behind them; to do otherwise was not the way to pilot the vessel in safety. If the Chancellor of the Exchequer would take his advice he would ascertain what were the real causes of the difficulties under which they had now been labouring for upwards of a year. He intended to move, as an amendment, that there be a general inquiry into the state of banking, and the causes for the changes in the circulation for the last two years. It had been suggested to him that the inquiry ought to be extended to December, 1833, as the documents before them referred to three years instead of two. He, therefore, should alter his amendment, so that the inquiry into the state of banking would be from December, 1833. He meant that they ought to go into a general inquiry as to the state of banking in Great Britain and Ireland, because he could not understand, if a system of banking answered well in one country, why they were not to have the benefit of that experience in another. Having used the word "currency" in his amendment as originally written, he wished to say, lest there might be a mistake on the point, that it was not to the currency but to the circulating medium, that he wished the inquiry to be directed. The hon. Member concluded by moving, that there be an inquiry into the state of banking and the causes for the changes of the circulation since 1833.

Mr. *W. Williams* rose to second the motion. It must be evident to every one in the House that an inquiry was necessary into the proceedings of joint-stock banks, for at present the House had no information whatever. But he hoped the Chancellor of the Exchequer would not object to this amendment; for although the joint-stock banks had contributed towards producing the direful distress which the manufacturing, trading, and commercial classes were suffering, yet the part they had had in it was very small compared with the Bank of England. He considered the imprudent conduct of the Bank of England, in the management of its issues, the entire cause of the difficulties which exexisted. The joint-stock and country bankers had undoubtedly extended their issues, but it was in consequence of the way being led by the Bank of England. He had a return showing the state of the circulation of the Bank of England for three or four years, and he thought such a want of management, and such a reckless disregard of the interests of the country, had never been shown by any public body intrusted with the management of its financial resources. On the 28th of December, 1833, the issues of the Bank were 32,600,000*l.*, and their stock was 10,000,200*l.* On the 28th of March, 1835, being 15 months afterwards, their issues were 28,124,000*l.*, being a reduction in those 15 months of not less than four millions and a half; going on to the 26th of December in the same year, a period of nine months, there was an increased issue to the extent of 8,800,000*l.*, making an increase of considerably more than one-fourth of their circulation. This was produced by the cause mentioned by the hon. Member for Middlesex—by the avarice of the Bank, in getting a small profit on the interest offered by the Chancellor of the Exchequer, and no doubt a large proportion of the increase of 8,800,000*l.* was produced by that. But what was the consequence to the country? An advance in prices, until, in September last, the price of every article of import was raised from 40 to 100 per cent. In the article of cotton, there was an advance of 80 per cent. When we had to pay high prices for the material which came to be manufactured here, foreign nations would never give us a corresponding price for the manufactured article. The consequence was a falling-off of our trade. In January last the circulation of the Bank of England was 31,000,000*l.*, and they had 4,000,000*l.* to pay that amount, being very little more than half a crown in the pound, to pay their engagements. He asked the right hon. Gentleman was any corporation to be permitted to produce so much mischief to the country and to every branch in it? Why were they all to be in such a state of alarm and uncertainty? The right hon. Gentleman told them indeed that he saw no ground for despondency. He (Mr. Williams) should like to know how the Bank issues were to be regulated—how, by reducing the circulation to such an extent, they were to bring the prices of all commodities down, so as to turn the exchange in their favour? He asked the hon. Gentleman if he did not see any ground for despondency in looking to the consequences of such a state of things? The distress, in his opinion, was only in its commencement, if the right hon. Gentleman did not give to the question proper consideration. What had been done in 1824 and 1825? They all recollected the effects then produced by the Bank of England upon the interests of the country. He remembered to have heard it stated by a Minister of the Crown in that House, that this great commercial and manufacturing country "was brought within eight and forty hours of bankruptcy." What was the answer of their leading men? One of their directors stated before the Committee, he understood, that at last they had discovered the safe principle upon which to regulate their issues. They had discovered the proper mode of regulating them, and that if they kept gold in their coffers one third of the amount of their issues, they would be always safe. He admitted that they would; and the Bank went on for some time upon that principle. But what was the condition of the Bank of England now? Instead of having the one-third of the amount of their issues in gold—they had in gold only about the one-seventh or one-eighth of their issues. He asked, was that a state of things that ought to be allowed to continue? Ought a great country like this to be thus drove about from pillar to post, and nothing fixed, regulated, or certain? He had watched the proceedings of the Bank of England and its issues for the last ten years, and he took upon himself to say this, that the Bank had been so changeable—so much up and down in their issues, that no man could engage in any commercial or trading transaction for six or nine months and be able to tell what the result would be—whether it would be allowed to be advantageous, whether it would bring to him a large profit, or be attended with very great loss. In a country like this, some certain principle ought to be laid down. The currency was the measure of all property. The prosperity of this and every other country depended much upon this, that they should keep the currency in such a state as it would not vary, as it had been continually varying, under the management of the Bank of England. He hoped the House would institute a thorough and searching inquiry into the causes of the present evils, and whether they had been produced by the management of the circulating medium. Such an inquiry ought at once to be instituted; its result, he trusted, would be to have a regular currency established.

Mr. *Robinson* was desirous to take that opportunity of offering a few remarks on the question before them. The proposition of the Chancellor of the Exchequer was for the revival of the Committee of last year, which had been appointed on the motion of the hon. Member for the Tower Hamlets. The hon. Member for Middlesex proposed, not merely that the inquiry should be extended to Ireland, but that it should embrace the entire monetary system of the country. Now the House had repeatedly refused to grant an inquiry into the general system of the currency of the country. He did not mean to discuss whether the House had acted wisely or not in refusing that inquiry. He would not then say whether the currency was in a satisfactory state or not, or whether it might not be improved; but he would state that if an inquiry was to be granted it ought to be granted directly to that effect, and not be ingrafted on a motion of the nature of that before the House. But even though a direct motion was brought forward, he would still object that such an inquiry should be confided to a Committee so constituted as the present. He freely admitted that the present Committee were perfectly competent to enter upon the question as limited by the motion of the Chancellor of the Exchequer; but he must deny that a Committee so constituted was competent to enter into the whole question of the currency and monetary system of the country. If the Committee of last year were revived they might expect that the result of the inquiry and the report would, during the present Session, lead to some system of legislation with respect to Joint-stock Banks; but if the proposal of the hon. Member for Middlesex was carried into effect, and the Committee pursued the more extensive inquiry, they would not be able to come to any satisfactory decision, and the Session would pass away without any advantage being derived from their inquiry. He was enabled to state, with respect to Joint-stock Banks, that some legislation was necessary on the subject. He differed from the opinion of the hon. Member for Middlesex that Joint-stock Banks could with safety be left to themselves. He certainly admitted that it might be safe to leave Joint-stock Banks of deposit to their own system of operation; but with respect to Joint-stock Banks of issue, they were so mixed up with the general concerns of the country, and so intimately connected with its commercial affairs, that it was the duty of the Legislature to deal with that branch of the subject. He would not say a word with respect to the conduct of the Bank of England, or how far the conduct of the Directors of the Bank of England might have contributed to the recent derangement of the commercial interests of the country. His hon. Friend the Governor of the Bank of England was present, and if he felt disposed to offer any remarks upon the subject he would listen to them with great pleasure. He did not want to enter into any vindication of the conduct of the Bank of England but, as a commercial man, he had particular opportunities of knowing that during the late crisis the commercial interests of the country were materially indebted to the Bank, and the public inconvenience would have been materially aggravated but for the conduct of the Directors of the Bank of England on that occasion. He was at a loss to know how far the Bank of England was chargeable for any of the inconvenience of a metallic currency. No doubt they might sometimes be chargeable with too much enlarging, or too much restricting, the currency, because being the largest establishment in the country, all the other banking establishments looked to its operations to guide them how to act. The hon. Member for Middlesex had kept out of view the derangement that might result from the extension of the currency without limitation. Another great bank—the London and Westminster Bank—had lent to a bank in Manchester 150,000*l.*, and the bank at Manchester was compelled to have recourse to the Bank of England to prevent it from stopping payment. Private and Joint-stock Banks went on increasing and limiting their issues by the example of the Bank of England, and so long as they had a metallic currency co-existing with the circulating medium, so long they would be subject to this fluctuation. He would not go into the general question, but if the House were disposed to consent to the revival of the Committee of last year he certainly was of opinion that the inquiry should be limited to the proposition of the Chancellor of the Exchequer. The hon. Member for Middlesex had gone at great length into the question. He was not disposed to follow the hon. Member throughout all the arguments he had urged, but he could not avoid noticing some fallacies which had been made use of by the hon. Member with respect to the commercial interests of this country and of France. The hon. Member for Middlesex had said that the public credit of this country had always held an eminent position, beyond that of any other country, yet that our credit had been impaired, whilst the credit of France had maintained its ground. Now this admitted of a very simple solution. This country was the general mart of all the commerce of the world, and a large portion of the commerce of Europe and America centered here. There could be no doubt that the late derangement of commercial interests in America had contributed to the difficulties that had been felt here. France had remained in a great degree free from any participation in those circumstances, and that accounted for this country having suffered some inconvenience from which France remained free. Without entering into the merits or demerits of the Bill of

1819 he quite agreed with the hon. Member for Middlesex, that it ought to be an inquiry with the Committee how far it was advisable to have followed up that measure two years afterwards, by the suppression of the one and two pound notes, and how far it was advisable that this Bill should be repealed. He thought that the fact that one and two pound notes were circulating in Scotland and Ireland was a sufficient ground to make that part of the subject enter into their inquiry. He would not go into any discussion of the advantage of allowing the notes of the Bank of England of *5l.* and upwards a legal tender instead of gold, but he was satisfied that the advantage of that measure had been fully proved during the late panic, and whatever difference of opinion might have existed with respect to the renewal of the Bank charter, he certainly thought that there could be no difference with respect to the advantage of making the notes of the Bank of England a legal tender instead of gold. In conclusion, he had no objection to the limited inquiry. He considered it would be advantageous to inquire into the whole system of Joint-stock Banks, and to determine how far the Legislature should interfere on that subject; but he was decidedly averse to entering upon the more extensive inquiry asked for by the hon. Member for Middlesex, and which could only have the effect of increasing existing difficulties and creating alarm in the country.

Mr. *Gisborne* said, that as between the limited inquiry proposed by the right hon. Gentleman the Chancellor of the Exchequer, and the more extended inquiry proposed by his hon. Friend the Member for Middlesex, he could not for a moment entertain any doubt. It seemed that the Chancellor of the Exchequer, not satisfied with the limits proposed by the inquiry, wished them to be still further contracted, for he said that they had no right to inquire into the proceedings of banks which were not banks of issue merely on the ground of Joint-stock Banks being Banks of issue. He would maintain the right of the House to institute inquiries with respect to the proceedings of all banks, and he could state that many of the most important Joint-stock Banks were not banks of issue. If this were to be an inquiry he was ready to maintain that it was even more important that those banks should be inquired into than those which were banks of issue. This reason involved in his mind in the strongest possible degree the propriety of including the Bank of England in the inquiry. With respect to banks which were not banks of issue the Bank of England was immediately interested; and it would, therefore, be an absurd proceeding to inquire into the one set of banks without inquiring into the other. This would be proved by referring to the answer given by Mr. Gibbons (1,059) before the Committee, in order to shew the connexion between the Bank of England and those banks which were not banks of issue. He said that inducements were held out by the Bank of England to Joint-stock Banks which were not banks of issue. He wanted to know whether this was not an operation as dangerous and as necessary to be inquired into as any that could arise out of the issue of notes? But this was not the only mode in which the Bank of England was connected with Joint-stock Banks. The Bank cast a particular stigma on all those banks that did not enter into a bargain with them. Not only would the Bank of England not discount their bills for them, but they would not even discount bills for an independent customer, if such bills bore the indorsement of those banks. He would ask the House, with this intimate connexion between these banks, whether they would agree to the limitations proposed by the Chancellor of the Exchequer, or the still stricter limitations suggested by the hon. Gentleman the Member for Worcester (Mr. Robinson)? He had resisted the renewal of the Bank charter. He had seen periodically for many years the Bank getting into troubles and difficulties, and he ventured at the time upon a prediction as to what would be its future fate. He had not waited long for the verification of that prediction. The reason was, that the Bank had placed on its shoulders that for which they were totally incompetent. The Bank of England, being desirous of securing their monopoly, and of keeping up an adulterous connexion with the Government, continued to bear the burthen. The consequences were inevitable. He hoped he would not be considered as speaking disrespectfully of the Committee if he drew the attention of the House to their Report. His objection to it, and to the inquiry, in the first place was, that it led to expectations which it was impossible to satisfy. The object of the inquiry was, no doubt, to form a ground-work for legislation. The Committee consisted of the same Members, with the addition of four Members, because Ireland was included in the inquiry. He found thirteen different points enumerated by the Committee, and suggested as topics for legislation. He apprehended that if they were going to legislate they would do so for the protection of some one. They must either Legislate for the shareholders, or for those who did the business, or lastly they must legislate for the public; that was the country generally. As far as legislation could be applied to the two first objects, it was, in his opinion, altogether illegitimate; he considered it totally impossible to promote the interests either of the shareholders or the directors by dictating to them how they should conduct their business. The right hon. Gentleman the Chancellor of the Exchequer had forgotten that for many years Joint-stock Banks were disallowed, and that, therefore, in their childhood he ought to have expected some freaks. The right hon. Gentleman would not let them get wise by experience; he (the Chancellor of the Exchequer) was determined to make them wise by Act of Parliament. But the two species were dissimilar—one inch of the wisdom of experience was worth a fathom of Act of Parliament wisdom. There were, as he had stated, several topics for legislation pointed out by the Report of the Committee. He found, from a question asked of the Chancellor of the Exchequer, in page 39, that it was contemplated having the aid of a settlement devised by competent authorities, in order to see that it contained no clause unjust between the proprietors and the directors. Now he (Mr. Gisborne) held that this was a business with which that House had no concern. The business of that House was to give the most direct remedy against fraud of every kind, and to give the greatest facilities for the recovery of debts, but they had no right to interfere in the transactions between man and man except when they interfered with the public. The Report of the Committee complained of the amount of nominal as compared with paid-up capital. He should like to know why banks should not have the power of keeping up as much capital as their business required. The Report also complained that the law did not impose any restrictions on the amount of the shares subscribed. Was it reasonable that there should be any such restrictions? The Report also complained that the law did not enforce any rule respecting the nominal amount of the shares, or respecting the amount of capital paid up before the commencement of business. With respect to this point he had looked into the evidence, he had read the whole of it carefully, and he would venture to say that there was nothing in the evidence to establish a better conduct in the slightest degree on the part of the banks of large shares as compared with those with small shares, or between those which had a large proportion of their capital paid up and those having a smaller paid-up capital. If the evidence did not furnish any ground for such a conclusion, did the manner in which the different banks were conducted do so? He would refer to the case of the Stourbridge and Kidderminster bank. This bank had two branches and four agencies. The amount of the nominal capital is 250,000*l.*, consisting of shares of 25*l.* each. Nine thousand shares had been issued, and the amount paid has been 5*l.* per share, amounting to a capital of 25,000*l.* This bank never discounted bills. The manager appeared to have a great horror of discounting bills. The manager, in conclusion, stated, that since the bank had been established they had not incurred any loss from discounts or otherwise; that they had not a single overdue bill, and that their returns showed an excess of assets over their liabilities of 62,386*l.* or 17,386*l.* above their paid-up capital. The next instance was that of a bank conducted on an entirely different principle, namely, the Birmingham Banking Company. They had no branches. They had no reserved shares. The capital was 50,000*l.* in 50*l.* shares, and it was all paid. This bank discounted largely, and re-discounted extensively, with the Bank of England; yet this bank had, since its commencement, paid an annual dividend of ten per cent. on its capital. The hon. Member referred to the evidence of Mr. Samuel Gurney, who, in reply to the question whether a well-conducted bank ought not always to have a quantity of Exchequer Bills on which to rely in cases of difficulty, answered, that "bills of exchange are quite as good a security in time of difficulty as Exchequer Bills; in most respects better." Now there were two banks conducted on distinctly different principles, and if it were left to the Committee to decide, which they would establish as a model, it would be difficult to determine to limit the operation of a Joint-stock Bank to one particular system. The shareholders ought to be the best judges of their own interests, and it would be most injudicious to interfere unless it could be shown that the public interest required it. There were several other points indicated in the Report as topics of legislation. With respect to the publication of the liabilities and assets to the shareholders at large, that would not be advisable, as the information might not at all times be trustworthy, and only calculated to mislead. He trusted that the proposed limited inquiry would not be assented to by the House. The next point of the law referred to the non-payment of doubtful debts. How could any one judge, he should like to know, whether parties gave in a proper account of bad debts or not? He thought it was unwise to make such a point a subject for legislative enactment, for it was in reality impossible ever to decide with certainty concerning it. There were four or five other points referred to by his hon. Friend, which he thought were completely out of the scope of the notice of the House. The real objects to be aimed at were to obtain a direct remedy against fraud, and to derive the readiest and most efficient mode to recover debts. He was sure that any attempt to legislate beyond that, could not be made with advantage. Another reason against the interference was, that the modes of conducting those banks were so various that it would be found exceedingly difficult to come to a right and definite conclusion on that point by itself. For instance, some banks were accustomed to hold Government securities, whilst others transacted business without them. How could the House legislate on such a point, when conflicting testimony could be brought forward in favour of both practices? Again, there was the question of discounting bills. His hon. Friend near him (Mr. Hume) was against the practice, while others on the Committee would, he doubted not, be found in its favour. Here, again, how could legislative enactments be framed to meet the question? He could not perceive, in looking over the evidence, that this could be considered a safe or useful subject of legislation. The Chancellor of the Exchequer had asked, with the most infantine simplicity, several questions on this subject, which betrayed, he thought, most groundless fears. He inquired, for instance, if a banker in Cumberland should establish an agency in Cornwall, and should make his notes payable at Newcastle, would it not be a hardship on the persons in the neighbourhood? He could assure the hon. Gentleman that no fear need be entertained on that head; for if one note was issued from the bank in Cornwall there was no danger of a second one being taken. For what would be done in the case alluded to? Why, the person who holds the note goes to another bank, and demands cash for the note; this is at once acceded to, for the Cumberland banker is considered a safe man. The holder of the note is charged the postage to Newcastle and back, amounting to 3*s.*, to which, if 1*s.* is added for commission; he will have to pay 4*s.* for the 5*l.* note. Did the right hon. Gentleman think that this would be an inducement to him to receive a second note from the same quarter? The right hon. Gentleman's fears were entirely visionary, and still he had repeated his inquiries on the point just alluded to at least a dozen times. He felt sorry to have been obliged to take up the time of the House with so much dry detail; but he had thought it absolutely necessary, in order to show that the inquiry could not prove useful. He thought it would be exceedingly unwise to renew the Committee, for it would only excite expectations which could not be realized. He would therefore move the previous question, and if supported by many of the Members he would divide the House; but, if not so supported, he should rest contented with having proposed what he thought would best contribute to an effective and impartial treatment of the question, and would support the motion of the hon. Member for Middlesex.

Mr. *Villiers* thought, that if the hon. Member for Worcester would sanction an inquiry into the Joint-stock Banks, and into the effects of the suppression of one pound notes in 1823, and that he was not averse to the whole truth being disclosed respecting the operations of banking in this country, there was something whimsical in his opposition to the amendment of the Member for Middlesex. He was anxious for the truth to be elicited, and, therefore, should vote for that amendment. He did not expect much good from the revival of this Committee, if the inquiry was to be confined to the operations of Joint-stock Banks, for he was afraid that, from partial evidence, no rules could be deduced that could have any general application; and, if the Committee had it not in view to devise regulations which should affect all banking establishments in the country, he feared that their labours would be of very limited utility, and that it would tend to confirm an impression that already prevailed, that this inquiry was promoted rather with the view of restricting one branch of the trade in order to favour the other, than of promoting the public welfare. He thought that Parliament could usefully apply itself to discover on what principles banks should be regulated, with the view to their advantage and their safety; but when they had made such discovery, he was more disposed to leave the enforcement of those principles to free competition than to legislation, for sure he was, that the more the public were encouraged to lean upon Parliament for the regulation of their interests, the more careless and incautious would they become. He thought the evils now imputed to Joint-stock Banks were greatly over-rated, and their advantages greatly under-rated, and the difficulty of legislating for such evils as they were chargeable with, was shown by the various nostrums which were prescribed for their remedy. Every person was confident in his own, but not many agreed with the other. His hon. Friend, the Member for the Tower Hamlets, had no less than three, which he proposed to combine—paid-up capital, unlimited liability, and complete publicity. Now he had seldom heard any commercial man agree to them all, some disapproved of all, and he was more disposed to agree with the latter than the former. The great evil was thought to proceed from these banks being allowed to issue notes; but their issues not forming above one-fifth of their liabilities, their improper use of this privilege did not amount to more than one-fifth of the evil to be apprehended. If it was an object to discover the real cause of these disturbances in the currency (and which now appear to be of periodical occurrence), why they should inquire into the mode in which the Bank of England had exercised its powers and its privileges. To inquire into Joint-stock Banks, and omit the largest of them all, which was the Bank of England, was, in his mind, a perfect delusion. He believed that most men who had written, and who had thought upon the causes of these commercial panics, had agreed in tracing them to the arbitrary and inconsiderate operations of the Bank of England; and until that establishment was placed upon a different footing, he saw no reason why the same calamities might not recur. The fault, in his judgment, was, that the Bank of England was given exclusive privileges, which led the country to depend upon it to regulate the currency, and at the same time it was left with all the interests of a private trader; the result was, that its interest and its duty were in constant conflict, and the commercial classes were made the victims. Until the currency of this country was made to depend upon some sounder system than this, he could only expect a repetition of those panics of which we heard so much, and which must be attended with such serious injury to trade. On these grounds he should support an extension of the inquiry.

Mr. *Warburton* did not agree with his hon. Friend, the Member for North Derbyshire, in most of his propositions. The question before the House, as it appeared to him, was not whether they should legislate on the subject of Joint-stock Banks, but whether they should have a Committee of Inquiry on the subject—whether there were not in existence evils arising out of the conduct of Joint-stock Banks, which, for the sake of public information and security, it was desirable to inquire into. The evils attributable to Joint-stock Banks were, it appeared to him, of a very different nature from those which could be laid to the charge of the Bank of England. Amongst the charges against the managers of Joint-stock Banks was that of want of integrity in their proceedings; but he had never heard, amongst all the charges against the Bank of England, that of any want of personal integrity on the part of its governors. A want of prudence had occasionally been attributed to them, but it had never been alleged against them, that they had mismanaged the funds intrusted to them by their customers, for their own personal benefit. He would not deny that the Bank of England might not be so perfect in its control of the currency as might be desirable, and that a time might come when it would be advisable to inquire into such a question. At the same time, however, he would observe, that whilst the greatest good which could be expected to result from such an inquiry, was that of forming an efficient board, to control the currency, with as much equality as possible, the greatest evil which might be apprehended from bringing on such an inquiry, at an improper time, was such a general feeling of alarm amongst the public, as might cause a stoppage of payments at the Bank. For his own part, he did not think that at the present moment, it would be desirable to take up such an inquiry, and therefore he should not vote with his hon. Friend the Member for Middlesex. Whenever the fitting moment arrived, however, for such an investigation, he should be ready to support it.

Mr. *Thomas Baring* said, that the hon. Member for Derbyshire had opposed all interference in Joint-stock Banks on the ground, that they were yet in their infancy, and that they would improve by experience. But would it not be useful to apply to them some control, as was done to other things not advanced beyond childhood? He thought that a great difference might be seen in the constitution of Joint-stock Banks and those established on the old system. Joint-stock Banks advertised capitals of millions, and proceeded to business when only thousands were paid up. This appeared to him a strong distinguishing feature in the system of Joint-stock Banks. This might certainly make inquiries into the nature of these establishments necessary. With respect to the inquiry being extended to the Bank of England, if it could be proved that there was any intention of violating the charter, then he should think the inquiry necessary; but if there was not some great and decided change intended by that body he could not see that the inquiry could lead to any practical result. If there was any intention of giving any additional powers he thought the House ought to inquire into the nature of those powers, and their effect on the Bank of England; but if the powers it already possessed were wielded with foresight and discretion any further inquiry on the subject would be useless. But it appeared that no such increase of power was contemplated. He agreed with the hon. Member for Middlesex in his remarks on the fluctuations which took place so frequently in the circulating medium. He thought, also, the hon. Member's observations on the subject of publicity of assets were worthy of observation. Indeed, sufficient proof of the necessity for such publicity had lately been given. He also thought the allusion made to the rate of exchange with America, and the embarrassment in the commercial affairs of that country, was not uncalled for. There was one point on which the Chancellor of the Exchequer had dwelt to which he was desirous of referring. That right hon. Gentleman had spoken with some complacency of the caution which he had given last year on the subject of speculation in Joint-stock Banks. He certainly had made some remarks of a cautionary character; but not in such explicit terms as that they could be laid hold of and be of service; he had merely said that that state of things could not last for ever. An assertion so vague could scarcely be of much service. He thought the House undoubtedly ought to pay attention to the subject of Joint-stock Banks, for he felt assured that the public would not trouble themselves much about the matter. Each person would continue his speculations, flattering himself that he had so well and so safely disposed of his money that his particular speculation could not fail. He thought, therefore, that if the House in general should say that a floating deb of thirty millions ought not to be allowed to remain without some legislative interference being made respecting it, such interference would meet with the approbation of the sound-thinking part of the community. He certainly thought that inquiry should be instituted.

Mr. *Clay* said, that the observations which he had intended making were in a great measure superseded by the remarks which had already fallen from his hon. Friend to the right (Mr. Hume). He was decidedly of opinion that, if any inquiry was useful it should not be limited to any particular banking establishment, but extended to the whole system. He also begged to say from what he knew of the state of the money market, and of the state of public opinion on this question, that this inquiry was imperatively demanded. The hon. Member for Derbyshire whom he did not see in his place, had stated that this inquiry could be of no public service. If he (Mr. Clay) thought that the hon. Member gave expression to the sentiments entertained by any considerable number of the persons interested in Joint-stock Banks, when he stated this opinion, he for one should consider it as the strongest possible reason why the inquiry ought to be proceeded with, and he would further add, if such opinions were entertained by the parties to whom he had referred, it was anything but creditable to them to attempt to arrest the progress of this investigation, and, for his part, he certainly had imagined that the re-appointment of this Committee would not have been opposed. He thought so because it must be apparent to every one, from what had recently taken place, that the most searching inquiry was necessary. With regard to the argument that the Legislature had no right to interfere between one individual and another, he admitted that it might hold good if those concerned in Joint-stock Banks were to be the only sufferers by their operations; but when the whole community was affected by them, and when the entire fabric of commercial credit was liable to be shaken by the acts of those bodies, he conceived that the Legislature had not only a right but it was their bounden duty to interfere. He concurred with the hon. Member for Wolverhampton that Joint-stock Banks had conferred great benefit on the community; but in order to render that benefit permanent it was necessary that the public mind should be satisfied that they rested on a secure foundation, and this confidence could only be established by the most searching inquiry into the principles on which the transactions of those concerns were conducted.

Mr. *Pattison* was understood to state, that it might perhaps be expected that he should express his opinion on the question before the House. He felt that he was placed in a most awkward predicament, from being unaccustomed to address them. He would, however, simply advert to a few of the topics touched upon by hon. Members who had preceded him, and in the first place, he must observe that he could not concur in opinion with those who thought that sufficient cause had not been shewn for this inquiry. Events which had taken place during the recess, in his opinion fully justified the re-appointment of this Committee. With respect to the observations of the hon. Member for Coventry, in reference to the management of the Bank of England, he considered them uncalled for; and he could only tell that hon. Gentleman, who thought fit to find fault with the management of the Bank, that the accounts of that establishment had been regularly published—that its affairs were conducted under the auspices of Government—and that all its transactions were in strict conformity with the rules and regulations prescribed by the Legislature. If, then, there were any grounds for this accusation why was it not brought forward before, and why should the present moment be selected for the attack? When the proper time arrived, the Governors of the Bank would be ready to meet any accusations which might be brought against them, and he had no doubt but it would then be satisfactorily shown that those charges of mismanagement were without foundation. He repeated, that sufficient cause had not been shewn why this inquiry should not take place. He would, therefore, support the motion for the re-appointment of the Committee, and, if the Joint Stock Banks were not conducted on the principle admitted by the Legislature, that principle must be altered.

Mr. *Cayley* said, he agreed with the hon. Member for Middlesex, that the inquiry should be extended to the affairs of the Bank of England. The difficulty which the Bank of England had to contend with under the present system was, that it had to attend not only to its own interest—to bank stock, for instance, as well as other property connected with that establishment—but also to the interes s of the mercantile body. The Bank on the late trying occasion had acted with great humanity, and had attended to its own interests as well as the great interests of the public, without drawing the cord too tight. But he would now ask what was the danger to the Bank at present? The danger arose in a great measure from the circumstance, that the exchanges were not favourable, and, consequently, so long as this was the case the necessary result must be, to create derangement, to a certain extent, in the affairs of the Bank. In the crisis of 1825, the state of the exchanges was not so bad or so injurious to the Bank. On that occasion, the rate of exchange had been unfavourable for only six months; whereas, when the difficulties commenced last autumn, it had been unfavourable for twelve or eighteen months, and then, as in 1825, the Bank was compelled to make the greatest exertions to stave off the evil day, and to counteract the evil arising from the price of commodities being higher than the standard of value. He considered it impossible that the standard of value could be higher than the prices of commodities, unless the circulation had diminished in order to raise the price. He therefore supported the inquiry, while at the same time he expressed it as his opinion, that the Bank of England could not have managed in any other way than they had done for the last few months. In the autumn, the Bank was in a most perilous state. He considered it was yet in greater peril still at the present moment; and was it then wise and prudent to wait till they got deeper into the mud before they instituted inquiry?

Mr. *O'Connell* said, that the question before the House was really whether the inquiry should be as extensive as the hon. Member for Middlesex had called for. He did not think that anybody had intimated the least intention of opposing an inquiry. One Gentleman had argued against it, but he did not say, that he meant to vote, against it. If the inquiry implied hostility to Joint-stock Banks—if the Chancellor of the Exchequer had stated a case of misconduct against the directors of Joint-stock Banks, he (Mr. O'Connell) should feel it to be his duty to negative the motion. He had heard something of that kind from the hon. Member for Bridport, but nothing from the Chancellor of the Exchequer. He was for inquiry. If inquiry was to imply Legislation according to the report, he would be decidedly against it; but he thought that inquiry was necessary, because it should be courted by those who asked for public confidence, and in the next place, the notion that Joint-stock Banks contributed to the evils of the present state of affairs, was a reason why there should be inquiry. His own opinion was, that instead of increasing the distress, they tended to mitigate it, and afforded a ground of security never before introduced into the banking system. A Joint-stock Bank had stopped in England and Ireland, and private Banks had stopped. The Bank of Carlisle had stopped, although it had been many years in existence, and we were told its creditors would receive 14*s.* or 15*s.* in the pound. There would be no loss upon the stoppage in England, and he was thoroughly convinced there would be no loss upon the stoppages in Ireland, because the number of individuals was such, that with a small loss to each, they would cover the public loss. To talk of Joint-stock Banks increasing the evil could have no other meaning than this, that their issues pressed upon the Bank of England. That they filled up the channel of circulation which he said was wanted, was proved by what had fallen from the hon. Member for Yarmouth, who said, that we were in a state of great prosperity at the time the inquiry was first instituted, and therefore the Chancellor of the Exchequer should have seen that adversity would follow. What species of country was it in which prosperity was a symptom of distress and ruin? If there was no other reason for inquiry, was not that a reason? Must there not be something rotten in the system? You are too prosperous, and therefore you must come to misery at once. When Dr. Majendie set about dissecting a dog, he nailed his nose to a board, and then dissected him. The Directors of the Bank of England were in that situation—they were nailed by the nose. The gold standard had been introduced—too dear an instrument of exchange for such a country as this—and it had nailed them. They were not to consider how the price of every other article varied, and the price of gold varied; but by a kind of equivocating species of policy, they were to indulge in the malady until it gained a kind of feverish strength that was not health. In that situation they were placed, not by any misconduct or fault of theirs, but by the fault of the system which the Legislature would not look directly in the face. In what a situation were the two countries! It was said there was an union between England and Ireland. Accordingly, we had here a Government Bank. How were they off in Ireland? They had a national Bank. For what purpose? For the sole purpose of monopoly. Within a district of fifty miles of Dublin, no man could issue notes except the Bank of Ireland. Yes, five or six individuals might, but if you increased the security, by having more liable for their payments, in proportion as you increased the security, you diminished the right to issue. The House was aware that the Bank of England last autumn raised the rate of discount to five per cent. while the Bank of Ireland discounted at three and a half; and at the same time the Joint-stock Banks discounted good paper at six per cent. What was the consequence? Bills came from Lancashire and other parts in England, and were discounted by the Bank of Ireland at three and a half per cent.; the person who got the bills discounted went next door and got gold, and Ireland was thus drained of gold. When a panic took place in consequence of the excitement caused by the Duke of Wellington's coming into office, it was necessary to send over a million to Ireland; and what would be the consequence if it should be necessary to send over gold now when there was little more than four millions in the Bank? Some hon. Members approved of inquiry, but objected to the time. He could see no reason in that. Why not have inquiry now? Why should it be postponed? The hon. Member for Bridport and the hon. Member for the Tower Hamlets, said there was danger. Was the Bank of England in danger? If so; that was an imperative reason for inquiry. If the Bank were in danger, was not the community also in danger and was it not the most rational way to get out of the difficulty by meeting the danger at once? The great danger arose from the apprehensions of the public, and the best way to dispel those apprehensions was to ascertain what the real evil was. Hon. Members had spoken of the importance of establishing great principles. Now, nothing was worse in many instances than great principles for individual injury. He believed, the great principle sought to be established in 1819 had caused more danger and more injury to many individuals than any other of a similar nature. It spread its influence over a vast number of individuals, and reduced many who had been living in wealth and affluence to the greatest distress. He therefore wished for inquiry. The Chancellor of the Exchequer said inquiry would come incidentally; why should it not come directly? Let the inquiry commence without delay; and the more extensive it was, the more would the public mind be disabused.

Mr. *Crawford* bore testimony to the correctness of the illustration given by the hon. Member for Derbyshire of the success of the Birmingham Joint-stock Bank. He was not prepared to address the House, as he had not had the honour of being upon the Committee. He had, however, endeavoured to make some estimates of what might be the probable profit of a most prosperous bank. He left a large margin when he said that ten per cent. of that profit could not arise upon a banking principle unless it were from the sale of th credit of the banks, instead of money on discount. So far as the debate had gone, it did not appear that the House had been put in possession of one important fact respecting circulation—viz. the amount of paper created by re-discounts, acting upon prices just as much as bank rates acted upon prices. Without meaning to define to what extent the present evils had been produced by the circumstance of Joint-stock Banks lending credit, instead of lending money, he thought he might say, that such a practice would account for the state into which the country had been thrown.

Mr. *Poulet Thomson* observed, that the hon. Member for Derbyshire had brought forward the Report of the Committee, and had objected to its being re-appointed, because he objected to the recommendations of the Committee. The Committee advised, in their Report to the House, the re-construction of the Committee of last Session for the purpose of acquiring further information before they could recommend any course of legislation to the House. With respect to what had fallen, as to the Committee reporting that legislation, was unadvisable; he need only refer to the evidence of Mr. Moore James, who said, in reply to the question, "Is this a portion of the law, which, in your opinion requires amendment? It does." He believed that hon. Members would find few witnesses who considered legislation unadvisable, though they differed as to the mode. If it were advisable, then, to legislate on the subject, was it not better to re-appoint the Committee? Every friend of Joint-stock Banks ought to assent to the inquiry. All must be aware that these banks had borne up well, and had gained credit under the trial. As a friend, therefore, to Joint-stock Banks, he should vote for the proposed inquiry. Whatever difference of opinion there might be as to the construction of some of these banks, it could not be denied, that the large numbers of persons of wealth and respectability who engaged in these establishments formed a new feature in the banking system of this country. No doubt such a number of persons of this class created a greater degree of security and no man entertained a doubt that paper had been pushed farther than it ever had been before. The credit of the Joint-stock Banks undoubtedly produced such a result; and he agreed with an hon. Member who stated, that great disadvantage might arise from the market being overflooded with paper at one time, and too much curtailed at another. But that was an evil which could not be guarded against: no Act of Parliament could make people wise. If people were so unwise as to act in the manner his hon. Friend had described, he believed no legislative measures could be found to make them act more prudently, and prevent them running into such evils. Of this, however, there could be no doubt, that numbers of persons embarking their whole fortunes in such establishments formed a great guarantee for their stability and good management. If the House were to adopt the proposition of the hon. Member for Middlesex, it would be impossible to say how far the investigations of the Committee might extend. See what a field of inquiry would be open to them. They would have to inquire into the state of bullion; they would have to inquire into the state of the coinage; they would have to determine whether it were advisable to have a silver standard, or a gold standard, or a mixed gold and silver standard, or no standard at all. Nothing could be more injudicious than to found a proposition for so extensive an inquiry on a motion, the object of which was merely to revive a Committee on a small branch of that inquiry. He objected to the motion of the hon. Member for Middlesex, also, on the ground that the words of that motion went much further even than his hon. Friend himself wished. He objected to the motion, because the Committee for the renewal of which his right hon. Friend had moved would have quite enough to do if they were confined to the investigation of the state and conduct of Joint-stock Banks. But it had been argued, that it was impossible for such a Committee adequately to discharge the duties intrusted to it, without making an inquiry into the state and conduct of the Bank of England. Why his right hon. Friend had admitted, that, so far as the Bank of England was connected with the Joint-stock Banks, an inquiry must be made into the conduct of the Bank of England, but no further. In his opinion, it would be highly inexpedient to go into an extended inquiry with reference to the Bank of England. A time of difficulty—not of difficulty in the condition of the Bank of England, but of difficulty in the condition of the commercial world—was certainly not the time to choose for entering into a solemn investigation of the whole state and conduct of the Bank of England. Nothing could indeed be more unadvisable. He did not wish to impede the operations of the Bank of England, nor did he wish to mix up that House with the concerns of the Bank of England. He wished the Bank of England to be allowed, in the faithful and honorable discharge of its duties (and he was quite sure that it would discharge its duties faithfully and honorably), to take its own uninterrupted and independent course. An interference with that course would not be wise, and would not be treating the Bank of England with the justice and fairness to which it was entitled. He would not enter into the various questions which had been raised by the hon. Member for Middlesex, and other hon. Gentlemen. He would not inquire whether the recent commercial pressure might or might not have been obviated by more early assistance—he would say nothing on the general question of our currency—and he would conclude by expressing his earnest hope that the House would not agree to the motion of his hon. Friend, the Member for Middlesex, but would confine the inquiries of the proposed Committee within the limits recommended by his right hon. Friend.

Sir *Robert Peel* felt it his duty to support the motion of the right hon. the Chancellor of the Exchequer. It was certainly of great importance to the commercial and banking interests of the country that Parliament should at an early period of the Session pronounce a decisive opinion as to whether or no it could interfere with them by proposing any new restrictions on Joint-stock Banks; and if Parliament decided that it could so interfere, it ought to make known with as little delay as possible what would be the nature of those restrictions, because the very suspense of the question was pregnant with almost as much evil as unwise legislation upon it could be. A Committee had been appointed, witnesses had been examined, but the Committee had informed the world that it had not time to conclude its inquiries, and therefore it proposed to renew its inquiries; and now the consequence was, that no one could determine that he might safely enter into a connexion with any banking establishment—not because his prospects of the new regulations might materially affect his speculation, but he would be unwilling to engage in it while such an inquiry was pending. It was, therefore, highly necessary that Parliament should, without delay, decide what could be done, and what it intended to do. He was, therefore, unwilling to devolve on the Committee more than was necessary for the object of inquiry: if the inquiry were to be carried out into every branch of banking affairs, and into the *minutiæ* of the currency question, they might go on *ad infinitum.* If they were to appoint a Committee to investigate the operations of the whole of the English banks, the Irish banks, the Scotch banks, public banks, private banks, Joint-stock banks, and all the various banks in the kingdom, there would be no end to the inquiry, there would be no one subject settled, and no pretext would be wanting for postponing a decision. Therefore, while he was for a full inquiry into the subject, he would have it limited to a special object. There were two propositions before the House besides the original motion. There was the proposition of the hon. Member for Middlesex to multiply the objects of inquiry; and there was the proposition of the hon. Member for Derbyshire, which went to deny the right of the House to make any inquiry into the subject at all. To neither of those propositions could he give his consent. He had already stated the reasons which induced him to oppose the motion of the hon. Member for Middlesex. To the principle involved in the proposition of the hon. Member for Derbyshire he could by no means agree. The hon. Member for Derbyshire contended, that as it was generally allowed that Parliament ought not to attempt to instruct or control persons, generally, in the management of their own business, so it ought not to interfere with the management of Joint-stock Banks. But the cases were widely different. Parliament had already interfered with reference to Joint-stock Banks, and having so interfered, it was entitled to carry that interference further. If the persons who were engaged in Joint-stock Banks were to be considered the best judges of the manner of carrying on their own business, why had Parliament restricted them in various ways? Why were they prohibited from issuing five-shilling or half-crown notes? The moment that Parliament interfered with them in one respect, it acquired the right or contracted the obligation to interfere with them in any other respect in which such interference might be considered advantageous to the public. No one could deny, not only the right, but the sound policy and justice of acting on this principle. For instance, could any man doubt that the recent transactions of the Northern and Central Banking Company justified an inquiry into the nature of those transactions? Where a company had been invested by the Legislature with the power of coinage, or with the power of issuing money—a power affecting the interest not merely of the shareholders, but of those who took their notes—and when that Company was found to have made an application to the Bank of England, and to have declared that they should be ruined unless the Bank advanced them a hundred thousand pounds, surely that was a very different transaction from a speculation in sugar or tobacco. The moment that the Legislature devolved upon any body of men the power of issuing money (a power absolutely regal in its character), that moment it acquired the right of taking care that the interests of those whom such a proceeding affected should be protected. The hon. Gentleman opposite said that no one could doubt the disinterested and judicious conduct of the directors of the Joint-stock Banks. He doubted it. He had not so much confidence in their wisdom as the hon. Gentleman had. The hon. Gentleman opposite had spoken of two banks that had been well conducted. But could the regulations observed by those two banks be enforced on others? Look at the report of last year, and let any man say whether he could place implicit confidence in the sagacity of Joint-stock Banks. It appeared that the managers of one of them stated that every year they had large dividends, they had great profits, but though they had bad debts to the amount of 20,000*l.* or 30,000*l.* they never took any account of them, and their shares were at a premium of ten per cent. How did that state of things arise? By the power which Parliament had conferred upon the parties. The difficulty which private banks felt in conducting their business proved that fact. He would not say anything of the wisdom of that course, but having given such a power virtually or directly, legally or practically, they ought to inquire into the operation of it. Then, another hon. Gentleman had gone to the other extreme; he had said that all inquiries were good, and, so far from denying to Parliament the right of inquiry, he was for carrying it to the fullest extent. While one hon. Gentleman deprecated all inquiry, the other wished to have an inquiry into everything, not excluding the affairs of the Bank of England itself. Now, with regard to the conduct of the Bank of England, as far as its relations to the Government were concerned, that had been recently the subject of two inquiries. He recollected sitting on a Committee, three years since, day after day, which was appointed for the purpose of inquiring into the whole of the transactions of the Bank of England as far as they related to the Government, and, in consequence of that inquiry, the Bank charter was extended, and he apprehended that no man intended to propose to revise the Bank charter. But they had a right to ascertain in what manner it would be affected by the subject of inquiry. Even then, there would be no necessity, he would venture to say, to go into that part of the operations of the Bank of England which related to the Government, or any of its operations, only so far as Joint-stock Banks were concerned. If, in the course of investigation, it should be stated, that the Bank of England, and not the Joint-stock Banks, had caused certain evils, then it would be difficult for the Bank of England to resist any further inquiry as to the truth of that statement. The permission to Joint-stock Banks to pay in Bank of England paper instead of gold might be very proper and profitable or not, but, as far as the inquiry had gone, that question did not appear to have been put. That might be because the Committee had not sufficiently performed its duty, or had not thought it necessary to inquire. [Mr. *Hume* had himself put the question to a witness, who had objected to it.] If such a question were put and objected to, nobody could deny the power of the Committee to enforce an inquiry into the subject. The question was not whether the power given to Joint-stock Banks to pay in Bank of England paper diminished or extended credit, but whether it had not a tendency to increase the danger to credit, and whether the evil concomitant with making fluctuations in the value of money was not a greater evil than the facility of doing it could be beneficial? Although he must contend that every relation of the Bank of England with Joint-stock Banks must be, as far as necessity required, intruded upon, he should vote for the original motion, dissenting, as he did, from both amendments. The hon. and learned Member for Kilkenny re-opened the whole question, but the Bill of 1819 had been so often discussed, that he should decline entering upon it on this occasion. He should only refer to one position which the hon. and learned Gentleman had taken up, namely, that it was very wise in times of prosperity to look forward to times of difficulty and danger. He would just remark that the evils, if evils had arisen, were not to be attributed to the Bill of 1819. If they chose to have a large quantity of convertible paper, and then to have a metallic standard, whether gold or silver, or both conjointly, they could not have a large mass of paper converted into a metallic standard without the risk of a reaction. But the reaction that followed the Bill of 1819 was not the effect of that Bill, but of the foreign exchanges, and, whatever might be the present prosperity, or the future adversity, they were bound to look at the foreign exchanges; and if they did, they could not help looking out for the time of possible danger. If the hon. Gentleman meant to have a paper currency to an indefinite extent, and not to have it convertible at all, then, perhaps, there would be no necessity for his looking out for times of danger. But even then his hope of eternal prosperity would be very delusive, for there would be a progressive rise in prices, and a progressive decrease of trade, so that not looking out for danger would not be the way to avoid it. With regard to the evils of the Bill of 1819, he never denied the extent of individual distress occasioned by it, and he had never contemplated that distress without regretting the serious injuries that ensued; but he thought the system which rendered that Bill necessary, and not the Bill itself, ought to be made responsible for those evils. He did not believe any measure was ever proposed which was so conducive to the comfort of the labouring classes as that which compelled those who employed them to pay them their wages according to a certain fixed standard.

Mr. *Wakley* maintained that all who voted for inquiry limited to Joint-stock Banks implied at least, if they did not directly aim, an attack on the character of those institutions. There might be defects in their constitution, but they were parts of the old system of banking, and the Joint-stock establishments had gone far to remedy the evils formerly complained of. If the present inquiry were restricted to the Joint-stock Banks, Parliament would, in his opinion, act most unfairly by them; why should they victimise those institutions while it was notorious to every man of common sense and memory that the old system which they had tended so materially to alleviate led to calamities to which, under the new state of things, they could find no parallel? The hon. Member for Bridport had taken a very singular view of this question, deprecating as he did all inquiry into the state and management of the Bank of England, although he admitted that great evils existed, and that the time might come soon when a searching inquiry should be instituted. That hon. Gentleman, he believed, was a profound senator, and also learned in medicine. He would put this question to him—suppose he had some disease originating in the defective state of his circulation, spreading funguses and excrescences over his whole system, what would be thought if he said to his medical adviser, "I have a radical defect in my circulating medium; I desire you will cure me speedily and effectually, but I positively interdict you from going to the heart, the fountain of all circulation; there may be a disease of the heart; it may be proper to institute inquiry at some future time, but for the present, and for reasons best known to myself, I positively prohibit you from extending your observation into the source of all the disease, the fountain of my existence and energy?" He maintained that the seat of all the evils at present felt was to be found in the defective state of the Bank of England. If there were no derangement at that great fountain of our circulation, it would be utterly impossible for the monetary concerns of the country to be so much distracted. He called upon the House, looking at all the interests involved in this question, to proceed boldly and fearlessly, not upon any miserable, piddling, patchwork system, but generally and practically with a view to the discovery and successful application of the best remedy that could be found for the acknowledged evils of the present system. He for one should cordially support his hon. Friend, the Member for Middlesex, in the amendment he had moved.

Mr. *Pease* disclaimed everything savouring of hostility towards Joint-stock Banks. Of their value, no one in his opinion could entertain a doubt, provided they were properly conducted. Those, therefore, which were conducted upon a sound and prudent system had everything to hope from the proposed inquiry, while, on the other hand, the public should be put on its guard against such as were established upon another footing. The hon. and learned Member for Kilkenny (Mr. O'Connell) deprecated the carrying out of principles which might be attended with great private injury. But if it were maintained that ground for inquiry into the conduct of the Bank of England arose out of the circumstance of their having recently assisted the Northern and Central Bank, would the Bank parlour not thereby be put upon its guard as to the principles and conditions on which they would grant similar relief to other important interests; and might there not be thus produced a deluge of misery in Ireland which he would shrink from combating? He for one was at a loss to know what object could be gained by extending this inquiry to the Bank of England. They had already all the elements of the information required. They knew the amount of deposits, the amount of circulation, of bullion, of securities, and they all knew the rate of interest. The Joint-stock Banks had recently grown up; the state of their affairs called for investigation, in order that the country might know whether the sound principles on which they were instituted had not been departed from; and as the present Committee would have quite enough to do, the inquiry being restricted as the right hon. Gentleman proposed, he protested against its being extended generally into the banking system of the country, and particularly to include the recent conduct of the Bank of England.

The *Chancellor of the Exchequer* said, in reply, that he did not see any reason from the statements which had been made, and the arguments which had been adduced in the course of the discussion, to induce him to alter the course he had taken the liberty of suggesting at the outset—that the inquiry should not extend to the Bank of England, and its proceedings, save and except where the Bank of England connected itself with the Joint-stock Banks; for, undoubtedly, wherever its proceedings told upon or influenced their proceedings, both must be connected together; in fact, it was impossible to separate the one from the other. But, although he was not prepared to recommend an inquiry into the conduct of the Bank of England before a Select Committee, although he did not think it necessary to enter into a vindication of the proceedings of the Bank upon the present occasion, yet he must be allowed, in common justice, to say, that the Bank of England had not been fairly treated by some hon. Gentlemen who had spoken in the debate. The very contradiction of the charges brought against the Bank of England was, if not a complete defence of the course taken by the Bank, at least in some degree an answer to the objections which had been urged. It had been suggested, that the Bank had acted wrongly in the assistance they had afforded, at a time of great emergency, to the Northern and Central Bank; he should like to know how the argument would have stood if the Bank had not come forward, not for the sake of that establishment—not for the sake of an establishment which had misconducted its own proceedings, but for the sake of the public interests that must have been involved? Would it not have been said, that the Bank of England, jealous of the Joint-stock Banks, seized the first opportunity—not doubting its solvency—without any fear as to their realizing the amount of their advances—the Bank of England seized the first opportunity to crush a rival establishment, and compel Parliament to look at the whole question of Joint-stock Banks under a new and more formidable aspect? Suppose that Bank, with forty branches, had failed, by reason of the inertness or disinclination of the Bank of England to afford it any assistance—suppose that failure had been followed by that of other Banks, would they have heard so much as they had during this discussion, in defence of the system of Joint-stock Banks? Justice ought to be done to the Bank of England in a case of this description, and the principles on which it had acted should not be entirely overlooked. Observations had been made with regard to the extension of the operations of the Bank of England in the provinces, by the establishment of branch banks. But if there were anything wrong in that, the Government of the present day, and their predecessors in office, were equally to blame with the Bank. The establishment of those branches in the provinces originated with Lord Liverpool's Administration, when the Bank of England was not only invited, but induced by various considerations, to follow that plan; and yet they were now taunted, because they had adopted the course recommended by the Legislature. Was that acting justly by the Bank of England? With reference to the observation which had been thrown out by the hon. Member for Yarmouth (whose opinion he was always disposed to treat with profound respect), he had taunted him (the Chancellor of the Exchequer) with having met this subject last year in the language of caution, but that he should have been more precise in the language he had used. On the occasions to which reference had been made, namely, on the 6th and 12th of May last; now what were his (the Chancellor of the Exchequer's) words? Why, on the 6th May, on making his speech on the budget, he had said—"I cannot sit down without again stating, that, whilst we have the greatest reason to be grateful for our present state of prosperity, at the same time, there are indications, at the present moment, which call for every hon. Gentleman's close inspection. The House must see, in the great extent of speculation which prevails, in the number of Banks which are rising up in all directions, grounds for the exercise of vigilance, caution, and prudence." Then, on the 12th May, on the occasion of the discussion upon the motion of the hon. Member for the Tower Hamlets (Mr. Clay), his remarks were to this effect—"The House is aware, that a general spirit of speculation is abroad; that Joint-stock Companies are formed for all kinds of purposes, some for purposes to which such co-operations are by no means applicable; and the House will feel that this rage for speculation will hardly fail to extend itself to the banking business as well as others. * * * * In proportion, then, as we allow the application of the Joint-stock principle to sound and legitimate objects, we are bound to see that, under the colour of Joint-stock Banks, the country is not imposed upon by a number of bubble companies, representing no property, and incapable of affording the smallest security." He was, therefore, at a loss to conceive how any caution could, by possibility, have been given in more direct terms. But he must beg more particularly to call the attention of the House to the declarations made by the hon. Member for Middlesex, on the 6th day of May last. On that occasion, the hon. Gentleman, in addressing the House, said—"On the whole, I think we ought to be gratified with the real state of the industry and commerce of the country. The right hon.

Gentleman seems to anticipate some great and unfortunate crisis from the extensive spirit of speculation which now pervades the country. I confess that I have no fears upon that score. As long as the Bank of England continues to be conducted upon the principles upon which it now is governed, there need be no apprehension of a crisis, or of a panic." There were several other topics, particularly in regard to Exchequer Bills, to which he wished to advert, but at that advanced hour he was unwilling longer to detain the House. He could not, however, sit down, without deprecating most earnestly the tone of the observations made by the hon. Member for Coventry (Mr. Williams), which were at once unjust, impolitic, and capable of great misrepresentation out of doors. Comparing the engagements of the Bank with the present extent of bullion, the hon. Member drew the inference, that the Bank could only pay 7*s.* 6*d.* in the pound. Such a statement going forth to the world, without contradiction, was liable to great misconception among the vulgar. It was quite unjust; it proceeded upon a mistaken view of the case—as if bullion were the only assets which the Bank had to meet the liabilities. It had been said that every one who voted for the restricted inquiry, indicated distrust of the Joint-stock Banks. He, for one, repudiated that principle. If he were asked, whether he had confidence in all Joint-stock Banks, undoubtedly that would be a confession of faith, too unbounded for him to make; but he was anxious to see whether they required amendment, and how it could be best applied. Before he sat down, he was anxious to call the attention of the House to a very interesting document which he held in his hand. It had been published to the world, in the shape of a commentary on the report of the Committee which sat upon this subject last Session. It stated in terms, that the Northern and Central Bank of England had 1,200 partners, whose whole property was liable to the debts of the concern; that the paid-up capital amounted to 700,000*l.*; that it was, in fact, safer therefore than the Bank of England; that its chief dealings being with its own partners, and their connexions, added to the probability, that in the event of a panic, the run would be, not to take money out, but to put money into it for security. Such was the description which had been given after the publication of the evidence; they were told, that the only danger was the intense anxiety on the part of the public to rush to it with deposits and overwhelm it, like Tarpeia of old, with bucklers of gold. He repeated that, in his opinion, there was no necessity for any inquiry into the concerns of the Bank of England, an investigation having lately taken place upon that subject. A great distinction existed between Joint-stock and private Banks. In the latter instance, individuals were using their own capital for their own purposes, without any aid of law; but the former were the mere offspring and creatures of the law, and it behoved Parliament to see that they were properly and judiciously regulated.

The House divided on the original motion:—Ayes 121; Noes 42: Majority 79.

List of the Ayes.

Adam, Sir C.
Agnew, Sir A.
Alsager, Captain
Angerstein, J.
Bagshaw, J.
Baines, E.
Bannerman, A.
Barclay, D.
Baring, W. B.
Baring, T.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. C.
Biddulph, R.
Bish, T.
Bowes, J.
Bramston, T. W.
Brocklehurst, J.
Brownrigg, S.
Chalmers, P.
Chichester, J. P. B.
Clay, W.
Clive, Lord Viscount
Clive, hon. R. H.
Cooper, E. J.
Cowper, hon. W. F.
Crawford, W.
Dalmeny, Lord
Davenport, J.
Dick, Q.
Donkin, Sir R.
Dundas, J. D.
Eaton, R. J.
Elley, Sir J.
Ellice, right hon. E.
Fector, J. M.
Fergus, J.
Fergusson, rt. hon. R.
Fort, J.
Fremantle, Sir T.
Freshfield, J.
Gaskell, D.
Gladstone, W. E.
Gordon, R.
Gordon, hon. W.
Grattan, H.
Grote, G.
Hamilton, G. A.
Hamilton, Lord C.
Hawes, Benjamin
Hector, C. J.
Hinde, J. H.
Hogg, J. W.
Horsman, E.
Houstoun, R.
Howard, R.
Howick, Viscount
Hutt, W.
James, W.
Jephson, C. D. O.
Ingham, R.
Irton, S.
Labouchere, rt. hn. H.
Lawson, A.
Lefroy, right hon. T.
Lennox, Lord G.
Loch, J.
Longfield, R.
Lowther, J. H.
Lucas, E.
Maclean, D.
Marjoribanks, S.
Maule, hon. F.
Morpeth, Viscount
Murray, rt. hon. J. A.
O'Connor, Don
O'Ferrall, R. M.
Ossulston, Lord
Oswald, J.
Packe, C. W.
Parker, J.
Parrott, J.
Pattison, J.
Pease, J.
Peel, right hon. Sir R.
Perceval, Colonel
Philips, M.
Poulter, J. S.

Power, J.
Pryme, G.
Ramsbottom, J.
Reid, Sir J. R.
Rice, right hon. T. S.
Richards, R.
Rickford, W.
Robarts, A. W.
Robinson, G. R.
Roche, D.
Rolfe, Sir R. M.
Rushbrooke, Colonel
Sanderson, R.
Seymour, Lord
Shaw, right hon. F.
Smith, J. A.
Stanley, E. J.
Stewart, J.
Stewart, P. M.
Strutt, E.
Thomson, rt. hon. C. P.
Thompson, Alderman
Troubridge, Sir E. T.
Tulk, C. A.
Vere, Sir C. B.
Vesey, hon. T.
Warburton, H.
Wason, R.
West, J. B.
Williams, R.
Wood, C.
Wortley, hon. J. S.
Young, J.

TELLERS.

Steuart, R.
Baring, —

List of the NOES.

Attwood, T.
Bewes, T.
Blake, M. J.
Bowring, Dr.
Brady, D. C.
Brotherton, J.
Cayley, E. S.
Collier, J.
Cookes, T. H.
Elphinstone, H.
Ewart, W.
Fielden, J.
Finn, W. F.
Fitzsimon, C.
Forbes, W.
Gillon, W. D.
Gisborne, T.
Gully, J.
Hall, B.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawkes, T.
Hindley, C.
Holland, E.
Leader, J. T.
Lewis, D.
Lister, E. C.
Marsland, H.
Molesworth, Sir W
Nagle, Sir R.
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M.
Potter, R.
Roebuck, J. A.
Thompson, Colonel
Wakley, T.
Williams, W.
Wortley, Lord
Young, G. F.

TELLERS.

Hume, J.
Villiers, C. P.

FICTITIOUS VOTES (IRELAND).] Mr. *Shaw*, in pursuance of the notice which he had given, rose to move for the appointment of a Select Committee, to inquire into the practice of creating and registering Fictitious Votes in Ireland, and in doing so, the hon. and learned Gentleman said, that he freely admitted that abuses had prevailed on all sides, with reference to the creation of fictitious votes. He did not think it necessary to enter into any lengthened statement at that late hour of the night, seeing what had been the feeling expressed by the House on a former evening.

Viscount *Morpeth* said, that after what appeared to have been the sense of the House the other night, it would be useless on his part, to offer any opposition to the appointment of this Committee. The intention, he presumed was, that the proceedings should be the same in both countries. He would, however, suggest to the hon. and learned Gentleman, the propriety of altering the words of the motion thus:—"That a Select Committee be appointed to inquire how far the objects of the Reform Bill have been defeated in the registration of voters in Ireland."

Mr. *Henry Grattan* was much astonished that the hon. and learned Gentleman should not have entered, at some length, into the grounds upon which he intended to proceed, as had been done on a former similar occasion by the hon. Member for Cockermouth.

Mr. *Hodgson Hinde* believed, that the hon. Gentleman who had last addressed the House was, perhaps, the only Member who would have expressed disappointment at the hon. and learned Gentleman not entering into a long speech, at that hour of the night.

Committee appointed.

RECORDERS IN CORPORATE TOWNS.] Mr. *Wortley* moved for leave to bring in a Bill, providing that, in certain cases, the Recorders of any city or borough-town shall be at liberty to divide his court. The hon. Member said, some measure was necessary to obviate some inconveniences as regarded the administration of justice under the late Municipal Corporations' Act. In many cases, the sessions in cities and borough-towns, at which the Recorder presided, occupied so long a time as to cause considerable loss of time to the jurors, and additional expense, on account of witnesses. The Bill he proposed to introduce would merely give to the Recorders of cities and borough-towns, the same power which, under the 59 Geo. 3rd, c. 2. was given to the chairman of quarter sessions, who, when the sessions occupied more than three days, were at liberty to depute some of their own body, to sit in another Court, and thus divide the business. It would enable the Recorder of any city or borough-town, in case the sessions lasted a longer period than three days, to delegate a barrister of five years standing, to sit in a separate court for the dispatch of business.

Leave given. Bill brought in, and read a first time.

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HOUSE OF LORDS,

Tuesday, February 7, 1837.

Minutes.] Petitions presented. By Lord **Strafford**, from the Dissenters of Poole, for the Abolition of Church Rates. By Lords **Vernon** and **Duncannon**, from various places, for the Abolition of Church Rates.

HOUSE OF COMMONS,

Tuesday, February 7, 1837.

Minutes.] Bills. Read a first time:—Sheriffs' Court.

Petitions presented. By several Hon. **Members**, from various places, for the Abolition of Church Rates.—By Colonel **Conolly**, from Donegal, for Amendment of Grand Juries Act.—By Captain **Dundas** and Lord **William Bentinck**, from Glasgow and Bristol, for Repeal of Duty on Soap.—By Mr. **David Roche**, from Mungret and Crecora, for Abolition of Tithes—Reform of Municipal Corporations—adoption of Vote by Ballot—and Provision for the Poor of Ireland.—By Mr. **Shaw Lefevre**, from the Innkeepers in Hants, for Consolidation of Laws relating to Innkeepers.—By Lord Viscount **Howick**, from the Rate-Payers, Northumberland, for placing the County Rate under the control of Rate-Payers.

Church (Ireland).] Sir *G. Sinclair* said, that as there was then no business before the House, and as the noble Secretary for Ireland was in his place, he thought this was a fitting opportunity to ask what were the intentions of his Majesty's Government with respect to the introduction of an Irish Tithe Bill? whether such a measure might be looked for before Easter? and whether it would be then carried through the House as rapidly as the Municipal Corporation Bill, which stood for discussion that evening? The tithe question was merely glanced at in a cursory way in his Majesty's Speech; but it was one which, by a large proportion of the religious and intelligent classes of Scotland as well as elsewhere, was deemed of paramount importance, involving, as the appropriation clause was considered to do, the very principle of an ecclesiastical establishment. He therefore hoped that no time would be lost in allaying the public anxiety on this subject, especially as it was the very question upon which his Majesty's Ministers had recovered possession of their places on the Treasury bench; and that the Bill would not be timidly, and at long intervals, carried through this House at so late a period of the Session, that, if rejected in another place, no Member who took an interest in the condition of the Irish clergy could find time to bring forward a less objectionable measure in its place.

Viscount *Morpeth* was not aware whether it was the intention of his Majesty's Government to bring forward the Irish tithe question before Easter. It was plain that all Bills could not be advanced with equal rapidity, and some must of necessity have precedence of others.

Subject dropped.

Municipal Corporations (Ireland)—Leave.] Lord *John Russell* spoke to the following effect.* Mr. Speaker: I move, Sir, that so much of the King's Speech be read as relates to the affairs of Ireland.

The following passages were then read by the Clerk:—

"My Lords and Gentlemen,—His Majesty has more especially commanded us to bring under your notice the state of Ireland, and the wisdom of adopting all such measures as may improve the condition of that part of the United Kingdom. His Majesty recommends to your early consideration the present constitution of the municipal corporations of that country, the collection of tithes, and the difficult but pressing question of establishing some legal provision for the poor, guarded by prudent regulations, and by such precautions against abuse, as your experience and knowledge of the subject enable you to suggest. His Majesty commits these great interests into your hands, in the confidence that you will be able to frame laws in accordance with the wishes of his Majesty and the expectation of his people. His Majesty is persuaded that, should this hope be fulfilled, you will not only contribute to the welfare of Ireland, but strengthen the law and constitution of these realms by securing their benefits to all classes of his Majesty's subjects."

Lord *John Russell* then said: Although I feel no immediate apprehension as to the result of the motion which I am about to make this evening, yet the subject which I am to introduce, is of such importance, and I am so fully aware that the political condition of Ireland is difficult to treat, that I approach it with very great anxiety. United as we are with that country, and although I do not believe that the people of England are either hostile or indifferent to the welfare of the people of Ireland, yet I must confess, that so much misapprehension and misinformation on the subject exist; that misrepresentations are so easily believed, and with so much difficulty dispelled; false impressions are so readily received, and with so much difficulty effaced; and mis-statements are so hastily put forward and laboriously propagated, that I am certainly much afraid, lest I should not be able to make others enter into my sincere convictions upon this subject, while, at the same time, I am confident, that if I were able to state forcibly, as I feel strongly, the considerations which I have to present to the House, they could not fail of meeting approval and concurrence. The Bill which I propose this night to introduce, requires no long defence or explanation from me. It is a Bill to remedy the abuses, and to provide for the reform of the Irish corporations. Those abuses have not been denied. They have even been stated to be greater and more notorious than the abuses which prevailed in the corporations of Scotland or England. Neither is the remedy stated to be an unfit or insufficient remedy. On the contrary, you have admitted—Parliament has admitted—that the remedy which has been proposed, is a remedy fit for the occasion, fit to be applied to the corporations of Scotland and of England. The whole question, therefore, lies in this—whether, the abuses being notorious, and the remedy a sufficient remedy, you will apply to Ireland that which you have applied to Scotland and to England. In fact, the whole statement made in opposition to this Bill is little more than this: that whereas Scotland is inhabited by Scotchmen, and England by Englishmen, yet, because Ireland is inhabited by Irishmen you will refuse them the same measure of relief that you have applied to Scotland and to England. With respect to the particular provisions of the Bill which I propose to introduce, they vary very little indeed from those contained in the Bill which passed this House last year, and that Bill was not different in its principle from the Bill which passed the year before, relating to the English corporations. There were one or two points, as the House knows, in which the English Bill differed from the Bill which had been previously applied to Scotland, and others in which the Irish Bill differed from the English Bill. One of these alterations was with regard to the franchise. Ireland not having the same description of rate-payers which we have in this country, the 10*l.* and the 5*l.* franchises were taken, the former for the large towns and the latter for the small. Another difference which was made in the Bill of last year, though not when it was originally introduced, but after it came into the House, was a provision that the appointment of the sheriffs in Ireland should be in the Crown. Upon this subject, I shall state, that it is my opinion generally, that in the appointment to offices connected with the administration of justice, the Crown ought to have a paramount authority. Our legislation has proceeded in this direction. By the Act for Scotland, the selection of the magistrates is in the town-councils; by the English Act, the magistrates are appointed by the Crown. It was proposed in this House, that the council should have a right of recommendation, which, however, was afterwards taken away, and the power is now in the Crown, although the advisers of the Crown have made it a rule to take into consideration the recommendations of the town councils. In the Irish Bill, after it was brought in, we took another step, and we proposed, that in those towns which were towns and counties in themselves, the right of appointment of sheriffs should be in the Crown. Now, I have somewhat altered this provision in the present Bill. The provision which I now propose to introduce, is, that the town-council shall nominate three persons to the Lord-Lieutenant, of whom the Lord-Lieutenant may refuse any one, or reject all three; that upon that rejection the council may propose three others; the Lord-Lieutenant may choose one of these, or he may set aside the second three; that is he may set aside the whole six, and appoint a sheriff solely by his own authority. I think this right, because I consider it will tend to make the administration of justice in Ireland more satisfactory, if there be a recommendation from the council; but I also think, that where the power of the Crown is introduced, and is to be exercised mutually with any other power, it should be the paramount power. For instance, in the year before last, I strongly objected to the powers given to the revising barristers, to set out the boundaries of the wards in the corporate towns, the King in Council having a right to disapprove of their decision; but not to alter or set it aside. I objected to that provision, because I thought it derogatory to the dignity of the Crown. I have since been confirmed in that opinion; the King in Council, conceiving the divisions to be in some cases inconvenient, has disapproved of them; but, on being sent to the revising barristers, what has been the result? They have taken no notice of the disallowance, the authority of the King in Council has been set at naught, and the decision of the revising barristers has been adhered to. I think, therefore, where the authority of the Crown is introduced at all—and I think it should be introduced in a matter of this importance—that in the event of the town-council not recommending any proper person, the Lord-Lieutenant should have an ultimate power to appoint that person whom he should judge fit. It is not very likely that this power will often be exercised, as it is not probable that six persons recommended by the council will be rejected, unless from some particular circumstance, there should be an obvious unfitness in all those nominated for the appointment, and in that case, I entertain no doubt that the power vested in the Lord-Lieutenant will be properly exercised. These are the main alterations in the Bill I now propose to introduce, from the Bill of last year. They are not of great importance; they are such alterations as might be expected to take place, when we have to adapt a Bill to another part of the empire, after we have had the experience of the working of an Act having the same object, which has been already called into operation, and I do not expect that the Bill will meet with any opposition in this stage, nor shall I enter further into its provisions. But there are considerations connected with this subject, to which I think it necessary now to proceed, and upon which Parliament will have ultimately to decide. We propose this Bill as a remedy for a civil grievance, suffered by the people of Ireland with respect to corporations; which in point of principle meets no objection, and which is only opposed, because, as I have stated before, in spite of the Act of Union, and in spite of the Act of Emancipation, Irishmen and Roman Catholics are still to be treated upon a different footing from their fellow subjects in the two other portions of the empire. I feel it necessary upon this occasion, especially after some statements that have been made, and some resolutions that have been recently entered into at a certain meeting in Ireland, to state the grounds on which the Government of Ireland has proceeded as an executive, and the grounds on which we have proceeded in recommending to the Legislature to act in conformity with the proceedings of that executive authority. I think it right also to state, that I consider this is a vital question to the present Administration. I am fully sensible of the evil of bringing forward bills year after year, and suffering them to be defeated and lost, without taking any further step upon the subject. His Majesty's Government consider it right, that Parliament and the country should have full time to consider the mode in which Government has been carried on in Ireland, and to consider the measure and propositions that we have to make; but I do not think that we could permanently go on, or that we could be fairly entitled to ask for the confidence of this House, which hitherto has never been withheld from us, if we, continuing an Administration, suffered principles to be applied, with regard to the Government of Ireland, against which we decidedly and positively protest. It seems to me that there can be no question more simple, that there can be no question more direct to bring this argument of English policy towards Ireland to the test, than the Bill which I shall this night propose. It is a question not properly interfering with any religious prejudice, not capable of being twisted or involved by a curious display of figures. It is a plain question of justice, whether the Irish people are fit to enjoy those rights which you have declared are conformable to the constitution of this country, or whether you will proscribe them as unfit to enjoy the same rights as Englishmen, and proclaim them to be an inferior race of beings. Now, before I enter into the question of what the executive of Ireland has done, and the nature of the proposition that we now make, as bearing upon the conduct of that executive. I will take leave to quote the principle of our conduct from the recorded words of a very great man. I must say, that whenever I have to look for a great authority upon the constitution—whenever I wish to look for enlarged principles with respect to the manner in which the Government of this country should be carried on—I do not refer to the theories of Locke, or to the legal statements of Blackstone; but I refer, whenever I can, to the authority, the precepts, and the maxims of Mr. Fox. Mr. Fox stated in a very eloquent speech which he delivered in 1797, the principles upon which he conceived the Government of Ireland should be conducted. He stated in his usual frank, it might be said incautious, manner, that he conceived that concession should be made to the people of Ireland;—he said, if he found he had not conceded enough he would concede more;—he said that he thought the only way of governing Ireland, was to please the people of Ireland—that he knew no better source of strength to this country—and he declared in one sentence, which I will read to the House, his wish with respect to the Government of Ireland "My wish is" (said Mr. Fox) "that the whole people of Ireland should have the same principles, the same system, the same operation of Government; and, though it may be a subordinate consideration that all classes should have an equal chance of emolument; in other words, I would have the whole Irish Government regulated by Irish notions and Irish prejudices; and I firmly believe, according to another Irish expression, the more she is under the Irish Government, the more will she be bound to English interests." So deeply did Mr. Fox feel the injustice of treating one class of the people of this country different from another, that when in 1805, towards the end of his life, he undertook to bring forward in this House the question of Catholic Emancipation, and when he was told by Mr. Sheridan, that a person of very high station, his late Majesty George the 4th, was anxious that that question should be postponed, he answered at once, not only that he was determined to bring forward the question, but that he had already fixed the day; the words of his letter show his earnestness upon this question, "I did on Thursday consent to be the presenter of the Catholic petition. Now, therefore, any discussion on this part of the subject would be too late; but I will fairly own that if it were not I could not be dissuaded from doing the public act which, of all others, it will give me the greatest satisfaction and pride to perform. No past event in my political life ever did, and no future one ever can, give me such pleasure." This was the way in which Mr. Fox answered when he was entreated to postpone bringing forward the question of Catholic Emancipation; and, by the former extract which I have read, I think you will see that he intended, not that it should be an Act placed on the statute book and left there inoperative, but that it should be a living Act of Parliament—that it should be the rule and guide for the conduct of the Government of this country—that it should be really an union of equality between the two countries, so that by that means, as he said, you might bind the people of Ireland firmly and for ever to English interests. Now, Sir, I maintain that Lord Mulgrave has acted upon these principles laid down by Mr. Fox. He has endeavoured to do that which, I must say, has not been fully done before, in all the details of official and legal business, which is still not done in our legislation, to carry into every part of the Irish Government the spirit of impartial justice. When I say it has not been done before, much as I admire the character of Lord Mulgrave, I am not going to place him, nor place those who sit here, above any Governor or above any Ministers who have governed Ireland before, but I will say, that while Lord Mulgrave has governed Ireland with the most upright, with the most impartial, and with the most generous intentions, he has had this advantage that his Government has been one and united. He has had the advantage of having a Chief Secretary, an Attorney, and Solicitor General, all acting in complete accordance with himself; and I will venture to say, that although the office of Attorney-General has been placed in the hands of three different persons since Lord Mulgrave has assumed the Government of Ireland, if Lord Haddington had at any time succeeded him at the Castle, not one of those Gentlemen would have remained to Act under a Tory Government. This, Sir, is a question of considerable importance, because there is so much in the Government of Ireland which depends upon the detail that is to be carried on in the different offices of Government, that any Lord-Lieutenant, with the best and fairest possible intentions, may not be aware of what the precise evil is, and what is the actual remedy that ought to be applied to it. I will illustrate this with reference to the conduct which was pursued by the present Master of the Rolls, when Attorney-General for Ireland. He found it was then the case, that when juries were appointed, it was the custom to put aside men, not because they had a particular prejudice in the case to be tried, not because they were known to be connected with, or favourable to the accused person, but because they were persons of the Roman Catholic religion, or, being Protestants, were persons of liberal political opinions. But of that practice Mr. O'Loghlen entirely disapproved, and he completely altered it. I have a letter here in which he states the satisfaction which it gave him that it had been found that in consequence of that change no fewer convictions had been obtained, and that a general impression of the administration of impartial justice had begun to prevail throughout the country. I think this is a question of the very greatest importance because when we consider the want of confidence that has existed, I will not say for years, I might say for centuries, in the administration of justice in Ireland, one cannot think that when men attended the courts of justice, and saw persons of respectable character set aside only on account of their religion or their opinions in politics, it was natural for them to infer that they would not be justly treated, and that the verdict would not be the verdict of twelve honest men, but the verdict of twelve selected partisans. Mr. O'Loghlen, therefore, did a very great service to the administration of justice by the rule which he laid down, that such practice was not to be persevered in, and that it was only on account of the person being connected with the case to be tried, or being in some way prejudiced with respect to it, that th right of the Crown should be exercised. There was another innovation introduced by Mr. O'Loghlen, which was of the greatest importance as affecting the police of the country. Every one has heard of the faction fights that have prevailed in Ireland, of the blood spilt at fairs, and the fierce and desperate battles which took place between one faction and the other. It is represented, and I believe with truth, that there was a great indifference with respect to the prosecution of those offences. There were magistrates who, acting upon the old and detestable maxim of *divide et impera*, thought it was better to allow the people to assuage their bloody dispositions upon those occasions, than to put a stop to them and use the power of the law for their prevention. Sir, I must say that, in my view, nothing is more mistaken. There is nothing more dreadful—setting aside the iniquity of it—than to allow these bloody and murderous deeds to go on. But there is also nothing more likely to lead to the subversion of morality in that country, than to foster habits which encourage the effusion of blood. It was an observation made by Machiavel in the history of the Florentine Republic, with respect to the attempted assassination of Lorenzo de Medici, that the assassination failed because the person who was appointed to do the work was a priest, who had not been used to scenes of that kind, instead of a soldier, one of the persons in the conspiracy, and who for another reason was not employed to commit the assassination. There is, no doubt, a great deal of truth in such a remark. When men are accustomed, without much provocation, and in the prosecution of some hereditary feud, to attack one another murderously, and to assist continually in the shedding of blood, they are much more likely, when they have a person whom they consider their enemy before them, against whom they have some spite, or from whom they think they have suffered some oppression, to commit homicide and murder, than men in whom those habits have been subdued by the timely interference of the law. It was, therefore, Mr. O'Loghlen's care to recommend and to direct that there should be a solicitor employed at every quarter sessions, and who should send to him an account of all the cases of this kind, and institute a prosecution by the Crown in all those in which he thought it likely to obtain a conviction. The effect of that proceeding has, I believe, been most beneficial. It has been seen by the people that crimes of this kind are not suffered to pass with impunity, and there is some hope that the inveterate habits of the people will be subdued. Another measure to which I will direct the attention of the House, though it was taken, not by Mr. O'Loghlen, but by the Government of Ireland, after an Act had passed the Legislature, was to establish uniformity of system in the police force. That force is, no doubt, a very useful one, but it had come to be considered as a force not acting solely in behalf of the law and of order, but as connected rather with one party than with the other. It has been the anxious care of the Irish Government, and I am sure they will be seconded in it by the gallant person who is now at the head of the police force, to endeavour to make that force such as will both strictly and fairly enforce the observance of the law, while at the same time it shall be a force in which the people in general shall have full confidence. In addition to this, it has been Lord Mulgrave's care on every occasion to tell the people it was their duty to refrain from those crimes of outrage and disturbance which have hitherto afflicted the country; and I am happy in being able to say, that such advice has not been without useful and beneficial effect; so much so, that in many parts of the country societies have been established, and more especially in those districts where these crimes most extensively prevailed, for the purpose of preventing these outrages and disturbances, and for securing the peace of the country and the observance of the law; and I am most happy to say, that those lessons have not been without their use towards obtaining a better observance of the law, and the establishment of greater tranquillity. I will now proceed to state to the House some of the results with respect to the amount and state of crime. I know that it has been stated that crime has not in fact diminished; but I conceive that it is necessary we should, in the face of the evidence we possess on the subject, have a little better ground for the assertion, than merely the fact that from time to time a crime of great horror and atrocity has been committed in the country. If we were to rely upon such a statement for the inference I have referred to, I could furnish instances in the counties of Middlesex, Surrey, and of Hertford, of the commission of dreadful crime, and yet it cannot be denied that they occurred amongst a people to whom such crimes are of rare occurrence. I will now proceed to state the testimony of some of the judges, given at the last summer assizes, as to the state of crime in Ireland:—The first case is that of Kilkenny. Its condition, under the dispensation of Lord Mulgrave, we may learn from the mouth of Baron Pennefather —he addressed the Grand Jury briefly, and said, there was " no offence in the calendar requiring particular observation from him." Chief Justice Doherty used similar language to the Grand Jury of the city— " He had nothing more to say, than to congratulate them upon the state of the calendar, which contained only four, he might rather say three and a half, cases for trial." Baron Pennefather again, in Wexford, gave this testimony:—" If the calendar faithfully represented the state of the county, it afforded him matter of congratulation, for it was really surprising to see a county of such extent so free from crime." Judge Johnson, at the assizes of Kildare, said,— " The light state of your calendar scarcely requires an observation from me, with the exception of one or two cases, which particularly call for attention and accuracy in the investigation." At Maryborough assizes (Queen's County), the same judge observed —" He had cast his eye over the calendar, and had to congratulate them on its exceeding lightness." Judge Burton said, at Sligo,—" He congratulated the Grand Jury on the tranquil state of the county, as shown by the lightness of the calendar. In amount, the offences were not more than might have been reasonably expected in a county of such extent; and with respect to quality, he was glad to find there was not a single case of murder." Baron Foster, in Clare, observed,—" I am happy to congratulate you upon the great diminution of crime which has taken place in this county, compared with former periods. The total number on the calendar is thirty-seven. The number is inconsiderable; and though there are crimes of some enormity on it, still not one appears to partake of an insurrectionary character. There are some cases of homicide; the other crimes are incidental to every state of society." The same Judge said to the Grand Jury of the city of Limerick—" I am happy to inform you, the calendar is exceedingly light. The crimes for trial are only of such a nature as may be found in every, even the best regulated stages of society, and particularly amid the population of a densely-inhabited city." Judge Perrin congratulated the Grand Jury of the county of Limerick—" on the reduced state of the calendar, which was evidence of the peaceable state of their county. There was no case on the calendar demanding particular remark from him." Baron Sir W. Smith to the Grand Jury of the county of Carlow—" As for the part of the calendar with which you will have to deal, it cannot be called numerous, and I hope will not prove heavy. On the contrary, I congratulate you on the prospect of its being light." At Louth assizes, the Chief Baron said—" It gave him great satisfaction to observe, that the calendar was so very small when compared with former years, the number of indictments being but twenty-three; and, with the exception of two of these, the crimes were not of that lawless character which tended to the disturbance of the peace of the county." At the Down assizes, Chief Justice Bushe— " congratulated the Grand Jury on the extreme lightness of the calendar; which presented a subject of lively congratulation to all lovers of peace and good order." I consider this to be testimony which cannot be contradicted. It is taken from public documents; it is furnished by the several Judges in their charges to the various Grand Juries in the counties in which they judicially presided, and which bodies they had to address relative to the state of crime in the country. Will any one, then, presume to tell me, that the country is in a singular state of disturbance, and that Lord Mulgrave has connived at, and concealed the state of crime, with such evidence before me of the lightness of the calendars. I have said nothing as to any political bias that there may be supposed to exist on the part of the Judges, and I do not suppose that they have any to any great extent; but I rely upon their doing their duty to the country impartially, and I am satisfied that if the facts were otherwise than I find them described, that they would not have been thus mentioned. In addition to this evidence, I have also got returns which have lately been made out as to the state of crime. The return which I hold in my hand, is one which has been completed during the last few days, with as much accuracy as possible. At the same time it is right for me to say, that there is some difference between this and former returns, a new manner of classifying and defining crimes having been adopted since the Police Act of last year came into operation. On this ground it is a somewhat difficult matter to make a comparison with former years. Some crimes, however, are of such a nature, that they show very evidently what is the state of the country. I believe that the totals of these returns may be depended on; and above all, in crimes of a more serious nature, and certainly with respect to those of an insurrectionary character. The total of the principal classes of outrages for the last three months of 1832 was 3,365; but this, I must remind the House, was the year before the Coercion Act was brought forward, when there was, undoubtedly, a great increase of crime. The average of totals for the last three months of the years 1833, 1834, and 1835, was 2,377, while the totals for the last three months of 1836 amounted only to 1,401. With respect to the whole year, the totals of principal classes of outrage were—for 1832, 11,259; for 1833, 1834, and 1835, on the average, 9,919; and for 1836, 7,827, being a diminution of 2,092 from the average of the three preceding years. Again, from October 1832, to March 1833, the totals of principal classes of outrage were 6,894; from July to December, 1836, they were 3,008, being a decrease of 3,886 in the amount of crime committed within six months at those two different periods. I will now proceed to take three or four classes of crimes of great atrocity, which are generally connected with outrage and violence. In the three last months of 1832 the number of burnings was 136—the average of the three last months of 1833, 1834, and 1835, was 124—the number of burnings in the three last months of 1836 was fifty-seven. In the three last months of 1832, the number of burglaries was 142; the average of 1833, 1834, and 1835, was sixty-one; of 1836, forty. In the three last months of 1832, the number of attacks on and firing into houses was 533; the average of 1833, 1834, and 1835 was 226; whilst the number in 1836, was sixty-eight. In the three last months of 1832, the number of demands for, or robberies of arms, was 288; the average of 1833, 1834, and 1835, was sixty, whilst the number in 1836 was thirty. I will next give the amount of these different classes of outrage for the whole year. In 1832, the number of burnings was 671; the average number for 1833, 1834, and 1835 was 535; while the number for 1836 was 565. In 1832, the number of burglaries was 464; the average for the three years 1833, 1834, and 1835 was 434; while the number of 1836 was 193. In 1832, the number of attacks on, and firing into houses, was 2,125: the average of the three years 1833, 1834, and 1835 was 1,602; while the number for 1836 was 518. In 1832, the number of robberies of arms was 673. The average of the three years 1833, 1834, and 1835, was 269, while the number for 1836 was 147. I have many other returns of a similar nature, and, more especially, returns showing the state of crime in the counties of Kilkenny and Tipperary. And here it is proper for me to observe, that the restored peace of the latter county is materially owing to the excellent conduct of a most exemplary magistrate, namely, Mr. Howley. With reference to several species of crime in this county, including riots and assaults, the number of persons indicted in 1835 was 795, and, by returns made up to January 1837, I find the number indicted for the same offences in 1836, was 344. I am happy in being able to make a statement of this kind, because it goes far to prove what is the result of a fair and impartial administration of the laws, and the government of the country. I now proceed to another subject, on which I do not intend to dwell at any length. It is a subject that was brought before the House last year, and which occupied much of our attention—I mean the subject of Orange associations in Ireland. It will be in the recollection of the House, that it was agreed to generally by hon. Members, that those secret societies, composed exclusively of persons of one religion, and holding and having secret signs and symbols, should not longer be allowed to exist. It will also be remembered, that the members of the Orange society in this House declared, at once and unanimously, and I sincerely believe, that they have faithfully performed the promise they then made, that they would abstain from attending, and would cease to belong to them. I consider myself bound to observe, that the conduct they pursued did them the highest honour. They felt what was due to the feelings of the House, and knew what course was proper to be pursued when the opinion of the Crown became known, and therefore yielded at once, and abstained from belonging any longer to these societies. They took away one of the chief supports to this society by the manner in which they then acted: they took away from the inferior members of these Orange societies, whom they were in the habit of meeting, the powers of their influence; they withdrew, in a manner, the belief from the inferior members of these societies that they would be protected in their illegal acts by persons of high station and influence, and were authorised to join in processions and other breaches of the law. The Lord-Lieutenant of Ireland, upon receiving the address of the House, and the answer of his Majesty thereto, immediately issued a proclamation, and ordered a circular letter to be written to the crown solicitors at the different assizes, directing that there should, at the ensuing assizes, be no prosecutions for persons who had joined in Orange processions; the consequence of which was, that many persons who would otherwise have been prosecuted were discharged. Although the persons holding superior stations, and having high authority in the Orange lodges did their duty, and although the Lord-Lieutenant declared that he was willing to forget the past, it does not appear that the mass of the persons composing the Orange associations refrained from these processions: on the contrary, I am informed, that on the 12th of July, preparations for processions were made much more extensively, and on a larger scale, than had ever been known before. In consequence of communications having been made to him on this subject, the Lord-Lieutenant acted promptly: he issued orders to the magistrates of the districts where these processions were expected to take place, in order to put them down at every point; he then ordered prosecutions to be instituted against the leaders of these proceedings; the consequence was, that sixty-eight persons were convicted for having joined these processions, and 428 were ordered to take their trials. The Lord-Lieutenant thought it necessary, especially after the indulgence he had shown to those who had formerly taken part in them, to show a determination to put down these illegal processions. No one, I think, can censure the conduct of the Lord-Lieutenant on this point, or say, that, in the course he pursued, he did not act rightly. The result, I think, shows, that the steps taken will be effectual, for no attempt has been made to form such processions since these steps were taken by the Government to suppress them. I trust, therefore, that the suppression of the illegal societies to which I allude may be fairly placed among the benefits resulting from the existing Government in Ireland, and that those secret associations, which have been found, by evidence before the House, to be of such an unconstitutional character, and to be so injurious to the peace of the empire, and which are capable of being perverted to such mischievous purposes, will be effectually put down and altogether suppressed. There is another point, with respect to the distribution of patronage, regarding which much observation has been made. The House will observe, that in the opinion of Mr. Fox, which I have already quoted, one of the objects which he wished to see effected in the Government of Ireland was, that there should be a fair distribution of emoluments among all classes of her people. That this took place before the arrival of Lord Mulgrave in Ireland, can hardly be asserted. I hold in my hand the list of the stipendiary magistrates appointed by former Governments previous to Lord Mulgrave's arrival in 1835, which specifies the religion of each; and although the number of such appointments is considerable, yet I find the name of only one person professing the Roman Catholic religion. I have also a list of the stipendiary magistrates appointed since Lord Mulgrave assumed the government of Ireland, and it appears that out of the fifteen appointments that have taken place, six have been conferred upon Roman Catholics, and nine upon Protestants, no very unfair distribution, and certainly showing no wish to promote Roman Catholics in preference to Protestants, but showing that which I think it right to show, that a man because he is a Roman Catholic is not to be excluded from those offices to which by a solemn Act of the Legislature, and which this House has repeatedly sanctioned, he is declared entitled to aspire. I have also here a list of other appointments made by Lord Mulgrave and stating the religion of the different persons so appointed, but I decline going into it, because I think on the whole, that unless the question is raised it is one which it is not desirable to enter upon. The right hon. Gentleman cheers, but I beg him to recollect, that this is one of the charges brought against Lord Mulgrave's

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* From a corrected report.

Government. It is one of those charges which are put forth before the public, and which are resorted to with the view of poisoning the public mind. At the same time it is one of those charges, and there are many, which are not brought forward on any occasion in either House of Parliament. Now, having stated generally the conduct of Lord Mulgrave's Government—having stated the appointments he has made, the measures he has taken—and having stated also some of the general results with regard to the prevention of crime, I come now to state, as I think that I am bound to state, as no notice up to this time has been given on the subject—I come now to make some observations on some charges made against him in certain resolutions. When Mr. Fox stated what concessions he wished to be made to Ireland—which included equal rights and an equal division and participation of emoluments—he said that these concessions would not give satisfaction to all. "Who, then," he asked, "would be dissatisfied by such concessions? Not the aristocracy; for I will not call it by so respectable a name. And is that miserable monopolising minority to be put in the balance with the preservation of the empire and the happiness of a whole people?" Now, it is this miserable monopolising minority, to which the name was so justly affixed by Mr. Fox—it is the same miserable minority, which has not dared to bring forward any charge in Parliament against the present Administration in Ireland, but which has met, and passed certain resolutions containing charges highly criminatory of Lord Mulgrave—charges which, if true, should ensure that noble Lord's instant dismissal; and although Parliament has been met a week, and although Members of both Houses of Parliament were present at the meeting at which these resolutions were passed, not one of them has ventured to give any notice that he will bring before Parliament these high crimes and misdemeanours. With all strangers carefully excluded, and all opposition rigidly shut out, with Orange flags streaming in the air, they put and carried these resolutions, amid the shouts and applause of the multitude around them. It may be said, although it would be a weak and miserable argument, that no one is willing to bring forward the subject, as he would not venture to encounter the strength of the support which his Majesty's Government had received from the majority in that House. This, I say, is a miserable argument, because those who have conducted an opposition in this country, have known and felt, that when they had a right and a strong cause, though they might have only sixty, or fifty, or forty, or even thirty, yet with such support they felt bound to bring forward their measures; and by how many Members was Mr. Fox supported, when he made that speech from which I have already made more than one quotation? By eighty against 250. This, therefore, is not a valid argument. But is there not another House of Parliament where this subject could be safely brought forward? What is their power in that other House of Parliament? I have got here a pamphlet, which purports to be the twenty-eighth edition of a speech delivered by a noble Lord, in the other House of Parliament, at the close of the last Session—a noble Lord of great ability, and of no less authority in that assembly. I do not know whether the noble and learned Lord actually delivered the speech thus attributed to him; but I find it stated in the pamphlet to which I have just alluded, that "in the House of Lords Ministers were powerless, and could effect nothing." If this were really the case, why did noble Lords at the meeting of Dublin shrink from going with their complaints to that assembly? They have brought forward matters impeaching the conduct, and maligning the character of the Lord-Lieutenant of Ireland, and yet they dare not bring his conduct before Parliament. It may be, after all, they feel that whatever their majority may be in the other House of Parliament, it is not a majority for such purposes; it may be, that they feel that however much they may gain the applause of such packed meetings as I have alluded to, a majority of the other House of Parliament will not sanction such accusations: but they should, at least, have the frankness and candour to let this be known. I am inclined to think that this is the case from one of their own resolutions. I shall not take the trouble to read many of them, but I will refer to one of them. It alludes to the nomination of high sheriffs, and complains that the Government neglected the recommendation of the Judges; except in the cases of persons who have excused themselves from taking the office, this has been very seldom the case during the present year. Last year, however, several cases of that kind occurred, and I will call the attention of the House to what has happened in consequence. Last year, Lord Mulgrave came over to England: he took his seat in the House of Lords. A question of a very ordinary nature was put to him about his conduct to a Mr. Gore Jones, and to a Mr. Leigh, who had been nominated as high sheriff, but who had been subsequently set aside. Not one of the noble Lords who had since appeared as his accusers in the Protestant assembly at Dublin, then moved any accusation against him on this subject in the House of Lords. Lord Mulgrave rose in his place and gave an answer to the question put to him, and it was not a little singular that, when he rose to speak a second time, he found it necessary to apologise to their Lordships for keeping them away from their dinner, so little interest did the subject excite among their Lordships, and so thin was the attendance of those who now brought forward this as so grave an accusation against the Lord-Lieutenant of Ireland. What is the course which these noble Lords and hon. Gentlemen now pursue? Nothing else but this:—When Lord Mulgrave was in his place in the House of Lords they shrank from accusing him, because they knew that he would immediately have repelled their accusation; but before a packed meeting of their own partisans in Dublin, where the Lord-Lieutenant could not appear, they resolved, with great courage and magnanimity, that he had been guilty of high crimes and misdemeanours. Sir, however much I disliked many of the political qualities of this miserable monopolising minority, however much my mind revolted against the virulence of its exclusive spirit, however indignant I had always felt at the abuses which attended their former administration, yet I will confess, that in former days I had given them credit for candour and frankness; but I cannot refrain from saying, that, having been a witness to such proceedings as those I have made mention of, having seen what has been the line of conduct pursued by them in reference to Lord Mulgrave—their abstaining from making his alleged misconduct the subject of legitimate attack, on an occasion when he was present in his seat to defend himself, and then having afterwards got up a packed meeting of their partisans as a vehicle for launching out against him the grossest calumnies—I must say, Sir, that my former belief in their candour and frankness has totally disappeared. A more convincing proof of the entire absence of candour than the one I have stated, it is, indeed, impossible to imagine. As to the resolutions, there are three or four of them in the beginning which really seem more calculated to excite derision and utter contempt than to call for any serious consideration. Then come the sixth and seventh resolutions, which make the following statements:—"That, with the exception of two disastrous periods, namely, in 1641, and 1687, the Protestant churches have never been exposed to so fierce a persecution from their enemies, nor so utterly deserted by those who, as ministers of a Protestant King, and the executive officers of a Protestant Government, should be their friends, as they are at the present crisis;" and further, "that for the period of three years, a practical penal code—worse, because more undefined than a penal enactment—has been in operation against the church, the privileges, the lives, and properties of the Protestants of Ireland—abridging their civil and religious liberties, snapping their industry, endangering the security of their possessions, and exposing their persons to persecution and violence." We know what a penal code is; we know how the Irish lost their estates by the effects of a penal code, which subjected them to every description of the severest penalty; we know that as one result of penal codes an Irish Roman Catholic formerly could not keep a good horse without its being subject to be taken from him by any Protestant who happened to take a fancy to it. We know what a penal code is when it is presented to us in these practical shapes; but as to this undefined and imaginary penal code, I know not what to make of it. It seems to me to resemble nothing so much as the case of the gentleman, who, in a letter to the "Spectator," gives an account of his having read all the best medical books, and of the sad effect which they had on him; who states, that having read all the accounts of asthma, he became for three weeks decidedly asthmatic; that then having read a good treatise on the gout, he became afflicted with all the symptoms of the gout, except pain. In the same way, Sir, it appears to me that the parties in question have been reading a treatise on the penal code, which, in former times, was inflicted on the Roman Catholics of Ireland, and imagine themselves suffering under all the symptoms except the pain. They have none of the practical sufferings, the practical grievances, which the Roman Catholics formerly had to complain of. And thus, in a country becoming less disturbed by crime, and rapidly improving in condition, did these parties come before the public with their dismal tale of imaginary malady. Nothing can give them consolation—despair is their only joy—evil their only good—tears their only recreation—the loss of exclusive power made them determine, that come what may, they will, for the present, at least, in spite of every recommendation to the contrary, be extremely sad. Their lugubrious complaints remind me of the lines of an illustrious living poet:—

> "Call it madness, call it folly,
> You shall not chase my grief away;
> There's such a charm in melancholy,
> I would not, if I could, be gay."

Sir, in some of the resolutions passed at this meeting of melancholy mourners, there are charges made, which, if they proceeded from anything but the malignity of a packed meeting, if they were in the slightest degree founded upon truth, would call for the fullest inquiry on the part of the House. As it is, however, the House will be readily convinced of the justice of my declaration, that there exists not a shadow of foundation for any one of the allegations there made. Following up the utterly unfounded charge against Lord Mulgrave, in reference to the sheriffs, the thirteenth resolution declares, "That the patronage of the Irish Government, and its prerogative of mercy, have been abused in the furtherance of purposes injurious to the peace of the country, the administration of its laws, and the stability of British connexion; that partisans have been placed in office as assistant-barristers, as magistrates, as officers in the constabulary and police, whose recommendation in some instances has been their unscrupulous attachment to a faction; and that appointments made in this spirit have been introductory to the creation of fictitious voters, and have greatly prejudiced, in public opinion, the administration of justice." Sir, I utterly deny this. I deny that the prerogative of mercy has ever been abused. I say that the prerogative of mercy has always been used for the purpose of giving the people of Ireland confidence in the law, and until some proofs are adduced to the contrary, I shall content myself with this general denial. They then made a lamentation about partisans being placed in office, and they protested against giving office to their opponents. Such a charge comes with a very bad grace from these parties. Language so extravagant makes one feel that if Juvenal had lived in these times, instead of the Gracchi complaining of sedition, he would have found a far stronger illustration of his meaning in this monopolising body, complaining of the promotion of partisans. It is, indeed, astounding to find such a complaint in the mouths of those who, year after year, and century after century, had considered partisanship as the only ground of qualification for, and promotion to office. It is really more than one could have expected to see or hear; and I cannot but think if the Dublin meeting would have but allowed any one stranger to appear among them, and would have but listened to him while he stated what they had themselves done in respect to partisanship, he must have called a blush into their cheeks, and compelled them to rescind this resolution. They could not by any possibility have gravely asserted that "partisans had been placed in office as assistant-barristers, as magistrates, as officers in the constabulary and police, whose recommendation, in some instances, had been their unscrupulous attachment to a faction, that appointments made in this spirit had been subsidiary to the creation of fictitious voters, and had greatly prejudiced, in public opinion, the administration of justice." But, Sir, this last is a very serious charge against Lord Mulgrave. It is a charge, which, if true, ought to be formally made, it would form ground of impeachment against Lord Mulgrave. If it can be shown that Lord Mulgrave has knowingly appointed to the office of magistrate and assistant-barrister men of such unscrupulous characters, as to be ready to violate their oaths for the purpose of registering votes purposely and designedly fictitious—if it can be shown that my noble Friend has placed individuals in office with the view of promoting such factious and illegal objects, a grave offence has been committed, and a graver charge cannot be preferred against any individual. I deny, however, that there is the slightest ground for such an imputation upon the honour and character of Lord Mulgrave. One charge, brought against an assistant-barrister appointed by Lord Mulgrave, occurs to me, and I know something of that case, from having had a copy of the assistant-barrister's notes submitted to my consideration. An individual claiming a vote swore that his tenement was worth 10*l.* a-year. The owner swore this himself, and produced another man, who swore that the tenement in question was worth 10*l.* a-year, and that he had actually offered that sum for it. A gentleman came forward on the other side, and swore that the tenement in question was not worth 10*l.* a-year. The assistant-barrister asked the gentleman whether he knew the tenement in question. The gentleman replied that he did not. "Did he know the holdings adjoining it?" was the next question put to him. The gentleman acknowledged that he did not, but said that he knew the parish generally, and that there was no tenement in it of that value. The assistant-barrister decided, and, I think, very naturally, in favour of the claim; he set aside this vague evidence against the value of the tenement, which rested on the authority of a gentleman who did not even pretend to know it. The agent of the party against whom the assistant-barrister decided, immediately sent round a circular to the magistrates of the county. They met at a public-house, and there they resolved that they would not ask the assistant-barrister to preside at the next quarter sessions. The ground for this resolution was, that he had believed these men of low condition, these poor men, with tenements not worth more than 10*l.* or 15*l.* a-year, and had set aside and neglected the vague assertion of a gentleman moving in a higher rank of society! This is the kind of case, in all probability, on which this grave charge against Lord Mulgrave and his administration rests. The next resolution to which I shall advert, was to this effect—"Resolved, that a humble and dutiful address be presented to his Majesty, praying that these his faithful subjects may not continue to be exposed to the attempts now making to undermine and destroy their religion, that they may be neither depressed nor prosecuted in, nor driven from, that land which they and their ancestors, ever since their first connexion with it, have preserved for his Majesty's royal predecessors, and hitherto for his royal Majesty himself, and this against his foes and theirs." Sir, I repudiate altogether the assumptions advanced by this knot of persons assembled in a room in Dublin. I say that his Majesty may trust to his Parliament. I say he may trust to his Lord-Lieutenant of Ireland—and to his faithful subjects in that country—that their zeal, their affection, and their loyalty, will preserve Ireland for his Majesty and his successors on the throne, even though those Gentlemen, in exclusive meeting assembled, give themselves no further trouble in the matter. There is one thing more in these resolutions to which I shall now come, and it is connected with the state of Ireland as differing from the state of this country and of Scotland. This was the resolution which complains, "That a body, styling itself 'The General Association of Ireland,' has for some time held, and now publicly holds its meetings in Dublin, and is actively and seditiously engaged in exciting and organizing the people of this country, for the purpose of resisting the just prerogative of the Crown, for the spoliation of the Established Church, and severing the union between Great Britain and Ireland; and that such proceedings are connived at, and wholly unrestrained, by his Majesty's Government in Ireland." Now, Sir, I must own, that if I were to hear there was a General Association of Scotchmen met in Edinburgh, and that their meetings took place from week to week, and that they collected sums of money from week to week, and entered into various resolutions from time to time, with respect to the government of that country, I confess that I should hear it with great regret; but I should still ask, what was the cause of that Association? and so I say with respect to Ireland. I very much regret, that in Dublin, as I should, that in Edinburgh, an association should exist of the nature alluded to; but I am obliged to inquire into its causes, and when I ask for those causes, I find, as the forcible phrase of Lord Plunkett expressed it, in speaking of the former Catholic Association, that it is the spawn of your own wrong. Sir, the Government of Ireland has been throughout the whole of its connexion with this country, a painful subject for an English politician to contemplate. The glories of the reign of Elizabeth, the vigorous protectorate of Cromwell, the deliverance of our liberties by William 3rd, are connected with the cruel wars of Elizabeth, the dreadful massacres of Cromwell, with the enactment of penal laws, and the violation of the treaty of Limerick, in the time of King William. Sir, these are painful subjects, but I had hoped that a time was come, when we could look to these things only as matters of history, and when we could say that the spirit which, in other times, had governed English councils, in reference to Ireland, was changed for the benefit of both parties, into a spirit of mutual conciliation, into a spirit of indulgence for each other's religious faith, into a spirit of common determination to defend the rights and liberties of the equal people of this United Kingdom. Sorry am I, Sir, to see that such is not yet the case, and that what Mr. Hume has stated as the spirit animating the English against the Irish in the reign of Elizabeth, is not even yet extinct. Mr. Hume, in speaking of the period in question, says—" The English carried further their ill-judged tyranny. Instead of inviting the Irish to adopt the more civilised customs of their conquerors, they even refused, though earnestly solicited, to communicate to them the privileges of their laws, and everywhere marked them out as *aliens*, and as enemies." Mr. Hume, with that sound and philosophical spirit which belongs to all he wrote, goes on to say—" Thrown out of the protection of justice, the natives could find no security but in force; and flying the neighbourhood of cities, which they could not approach with safety, they sheltered themselves in their marshes and forests, from the insolence of their inhuman masters. Being treated like wild beasts, they became such, and joining the ardour of revenge to their yet untamed barbarity, they grew every day more intractable, and more dangerous." Centuries elapsed, and I will now give you another instance, taken from a very different period, and which occurred at a time when an ancestor of my own, the Duke of Bedford, was Lord-Lieutenant of Ireland. That country had been divided in religion ever since the time of James 2nd.; but about the middle of the last century, it would appear as if the time was come, when those bonds might be relaxed, when religion might cease to be a reason for persecution, and when attachment to a fallen dynasty might be forgotten in the security of the House of Brunswick. Sir, the Duke of Bedford, in 1758, was of opinion, that it might be permitted for Irish Roman Catholic priests to register their names, and then be allowed to perform the rites of their religion, and be placed on a footing, as far as that went, with others of his Majesty's subjects. For that very moderate proposition, and from the knowledge that he wished some other relaxations of this kind to take place, he was thanked by the deputies of the Roman Catholic bodies, and his name was mentioned with honour by the Roman Catholic prelates. But when it came to the council, it was a very different matter. The Duke of Bedford urged, that persecution for religious opinions, only added strength to the persecuted party, that the Crown would be made stronger by some concessions, and the country better enabled to carry on the war then waging with France, by the assistance of the King's Roman Catholic subjects. But the Primate urged, that to consent to any modification, would be repugnant to the British laws. Chief Baron Willis, after repeating the Primate's objection, broadly declared his hostility to it, " because it would prove a toleration of that religion, which it had been the general policy of England and Ireland to persecute and depress." Such was the spirit which prevailed in the council of 1758; such was the spirit which produced —which could not fail to produce—distrust of the rulers, both in England and Ireland; and distrust, if not hatred of the laws which they attempted to enforce. Such was the effect of the severe and persecuting maxims of policy which then prevailed. Well, Sir, at length the time came when even those who had held that it was right to persecute and depress the Roman Catholics, a little relaxed in their policy: but let us inquire, in what way did they proceed; for I want to show the House, not only the effect which has been produced by the policy of Government, when it wished to persecute and depress, but also the effect which has followed, when it appeared that the object was to conciliate. The mode of most of these conciliations was such, as to induce Lord Grenville to say, that it was seldom that justice was conceded to Ireland, without such concession being made in fear. I will pass over other instances, and come to the law which admitted Roman Catholics to the elective franchise in 1793, and the law which admitted them to other privileges in 1829; and I think, from the circumstances attending both these concessions, that you will see, that while the Irish, for a long period, were taught that they were the outcasts, and the outlaws of the British Constitution, they have, in the days of your altered administration been convinced that your concessions have sprang, not from your justice, but from their strength. In 1792, an humble petition from the Roman Catholics was presented to the Irish House of Commons. Was it suffered to lie on the table, and to be taken into consideration? By no means; it was scornfully and contemptuously rejected. The very next year, however, when we were in apprehension of a French invasion, and when a French war had actually taken place, it was thought expedient to take some steps towards conciliation, and then the Legislature granted more than that which they had but the year before contumeliously refused. This, consequently, had not even the appearance of saying, "These Roman Catholics are good and loyal subjects;—let us admit them to the privileges they seek;" but it clearly expressed, "We cannot afford to be unjust any longer; we cannot safely keep the Irish people depressed as before, and so we will conciliate them as far as we may find it expedient." And now, Sir, with respect to the concession of 1829, I will read a passage which contains both the sentiments of an eminent person in the other House, and also the declaration made at that time by a Member of this House. In 1828, I find Lord Lyndhurst using the following expressions:—"Out of a number of those published documents, it is sufficient to mention one, wherein the writer, Mr. O'Connell, alluding distinctly to an unqualified, unconditional concession, as the only one worthy of the Irish acceptance, adds—'In our humbler fortunes, and in days happily now gone by, we were on the point of yielding in despair to the principle of securities; and it was the opinion of some of our best friends in and out of Parliament, that we ought to yield it; but a total alteration has since then taken place in the posture of our affairs. To what is this to be attributed? Is it to the tone of moderation we have preserved in our debates and published appeals? Or rather, is not this alteration in our position owing to the threat which has been held out, and the strong language used of late, and which I feel justified in saying, has at length placed us on the vantage ground?' Can they (resumed the Lord Chancellor) more distinctly tell us they feel themselves placed in a situation to extort from the Legislature, by dint of intimidation and threats, that which has so long been withheld? It is true the sword is not drawn openly; but are your Lordships disposed in the face of a power, of this alarming and anomalous nature, to admit the Catholic body, thus marshalled and organised, within the pale of the Constitution?" Such, Sir, was the declaration of this proud and eminent statesman to the House of Lords. He said, "You must not yield to threats; you must not yield to intimidation." Well, the intimidation was made more plain; the threat was made a little louder; and what was then the conduct of those who had said they would not yield to intimidation? Why, that very unqualified, unconditional, submission, which they said the threat of the year before had induced them not to yield. If that Minister had been in the situation of the traveller of the fable, and the wind had not succeeded in taking off his cloak with its first gusts, it would have been found that it had only to increase in its rudeness, and its strength, to deprive him of his cloak; nor would it have been left to the sun to gain the victory, it is fabled to have obtained. Well, Sir, but what is the lesson taught by this fact? What is the lesson which has been taught to the people of Ireland? Are these things without mark? What happened in the course of last year, and the year before? We have heard lately of the formation of the General Association. As long as this Municipal Corporation Bill, which I intend to move to-night, was passing through the House of Commons, the people of Ireland confided in the justice of the Legislature. There was no attempt to intimidate, there were no national associations formed by his Majesty's subjects there. It was after the measure had been lost, it was after their prayers had been rejected, and rejected not only with calm reasoning, but with insult; it was after they had been rejected, I say, with insult, that this Association was formed, and its meetings held. Can we wonder at such things? Can we wonder that that which had been found successful on former occasions was resorted to on this? Your oppression taught them to hate; your concessions to brave you—you exhibited to them how scanty was the stream of your bounty; and how full the tribute of your fear. Such, then, is the creation of your own narrow policy. The Association is before you. And can I suggest a remedy? Would it be, think you, that this Association, composed of several Peers of Parliament; composed of many of the Members of the House of Commons; composed, I have heard, one-fourth, an hon. Gentleman says one-third, of Protestants—would it be that this Association, so composed, should be suppressed? Would that be the remedy? No, Sir, the remedy is to treat Ireland as you treat England, and as you treat Scotland. As you have no association in London, as you have no association in Edinburgh, depend on it that when the fair principle of equality is found to be your rule, the people of Ireland will rely with confidence on the justice of the supreme Legislature, and they will take no other method of redressing their wrongs. While, then, Sir,—while I regret the existence of that Association, I cannot say there has not been a plausible motive for its formation, nor can I say that there is not an easy way for its suppression. It is that easy way which I ask you now to take. I tell you not, I should deceive you if I did, that this Corporation Bill is to be all in all, the panacea, to use an affected word, for the evils of Ireland; many and manifold are those evils, and many and manifold must be the remedies which the Legislature, which the executive, which the magistracy, which persons of property in that country must apply to them; but I tell you this, that if you pass this Bill largely and liberally, it will be taken as an evidence of the spirit in which you are disposed to legislate, and you will have no repugnance to your future legislation. It is a measure of which the principles are known; it would apply a remedy which has been already tried; it would give rights to men whom you have no pretence for distrusting. I think, Sir, it was said of a great character of antiquity, "That which Themistocles has proposed would be very profitable to Athens, but it would be very unjust." Now, I propose to you a measure which will be eminently profitable. It will be profitable in giving to you the hearts and affections of the people of Ireland; it will be profitable to you in promoting the riches and welfare of her towns; it will be profitable to you as tending to produce greater order, a better administration of the law, and a more general confidence in your Government. But, while it has all these advantages of profit, while it has all these motives of expediency, I especially recommend it to the House—I especially recommend it to Parliament—on this ground, that I believe it to be just.

Mr. Sergeant *Jackson* said, he rose not certainly for the purpose of opposing the motion of the noble Lord, but he felt it to be his duty, as one of the persons who had been particularly alluded to by the noble Lord, to justify the part which he had taken, in common with his brother Protestants in Ireland, on the occasion to which the noble Lord referred. But before he proceeded to that part of the subject which consisted in a justification of that great meeting, he thought it right not to pass by altogether two or three topics which the noble Lord had introduced into his speech. The noble Lord had taken an entirely new ground that night. In the various discussions which the question had undergone, there and elsewhere, he believed it had not occurred to any speaker, in this or the other House of Parliament, to put forward the ground of argument on which the noble Lord insisted that this measure should be adopted by the House. The noble Lord stated, that the withholding of corporate reform was an infraction of the Act of Union, and a breach of Catholic Emancipation. He denied both those positions of the noble Lord; and he thought it could be made plain, that neither the one nor the other could afford the noble Lord the slightest ground of argument. Did the noble Lord mean to say that according to the fundamental principle of the Act of Union there was to be no difference between the two countries in point of law? Had the noble Lord referred to that Act? Had he read the 8th article, and did he not there find a special provision that the laws of Ireland should continue in all respects where they differed from those of England, till Parliament should otherwise decide? Had there not actually been a marked difference between the laws of the two countries? He would take one example; he might adduce many. Let the noble Lord remember the whiteboy code, which was not repealed till the 1st or 2nd of the reign of his present Majesty. Could it be said to be an infraction of the Act of Union, that there should be a difference between the laws and institutions of the two countries? As little ground was there for the argument on the Catholic Relief Bill. Would the noble Lord put his finger on a single clause in that Act which made it obligatory on the legislature to extend to Ireland the same institutions as were established for England? The noble Lord could not. But perhaps the noble Lord would say it was the spirit of the Emancipation Act, and not the letter of it that was violated. Now with the greatest respect he (Mr. Sergeant Jackson) conceived that the spirit of that measure led directly to the opposite inference. What was the principle of that measure? That all his Majesty's subjects in Ireland should be put on the same footing with respect to civil privileges, whether Protestant or Catholic. What was the noble Lord now about to do? It was the charge against the municipalities of Ireland, that they were as at present constituted exclusively in the hands of the Protestants. The noble Lord now called on the House not to destroy monopolies (which was the effect of the measure as passed last Session by the other House), but to transfer the monopoly from the hands of the Protestants to the Catholics. He submitted, therefore, that the noble Lord could find no solid ground of argument in one or the other of the positions which he had laid down. He would notice, before he proceeded to vindicate the great Protestant meeting of Dublin, one or two more of the topics which the noble Lord had introduced. The noble Lord had dwelt upon the earnest desire of his Excellency Lord Mulgrave to administer impartial justice in Ireland; and he mentioned a variety of "innovations," as he called them, which had been introduced into the administration of the laws in that country. He adverted particularly to the fact that there had been three successive Attorney-Generals for Ireland since Lord Mulgrave's accession to power, and that not one of them would have remained in office under a Tory government. He did not like to enter into personal observations, but this he would say, that there did not exist in the profession men more eminent or more deserving of every possible respect than his learned Friends Mr. Blackburne and Mr. E. Pennefather.

Lord *John Russell* explained. He did not mean to say but that those Gentlemen were eminent and respectable. He had merely used the argument that there ought to be unity in an administration—that it ought to be animated by the same views of policy.

Mr. Sergeant *Jackson* had not at all misapprehended the argument of the noble Lord. He did not suppose—indeed it was impossible that the noble Lord could have meant to say anything disparaging to either of the learned Gentlemen. But what did the noble Lord mean by saying that neither of the three successive Attorney-Generals for Ireland, who had come into office under Lord Mulgrave, would have continued in office under a Tory government? Did the noble Lord think that either Mr. Blackburne or Mr. Pennefather would remain one moment in office under such a government as that of Lord Mulgrave? It was impossible that men animated by their feelings could remain for one single hour in the service of a government so degraded and disgraced. He would now notice some of the "innovations" in the administration of the law in Ireland, for which the noble Lord took credit to the Government, and he could assure the noble Lord that he would not shrink from the condemnation of any of them. First the noble Lord had alluded to the "innovation" introduced by Baron O'Loghlen, when Attorney-General, in regard to the challenging of jurors by the Crown; the noble Lord panegyrised it. He could tell the noble Lord, that this "innovation" had already produced consequences the most disastrous. He would tell the noble Lord the practical fruits of this innovation, and leave it to the sound sense and judgement of the House to say whether it was an improvement. A privilege or power had long been exercised by the Crown, of challenging, or as it was technically called, "putting by" jurors, without assigning any reason. This privilege the late Attorney-General had magnanimously foregone. Men might be unfit to be put upon juries, against whom, probably, no strictly legal objection could be sustained. Now, he (Mr. Sergeant Jackson) held it to be a gross calumny on any Attorney-General, or any persons connected with the administration of law in Ireland, to say that they had been influenced in putting by jurors merely by difference of religious persuasion. He utterly denied it. Neither could he believe that it had been the practice at any period in Ireland to set a side jurors on account of their political opinions. But he would mention one case to the noble Lord for there was nothing like fact; and let England hear this case, and see the frightful state of things to which Ireland was now brought. It was the case of a Protestant family named Carter, resident in the Queen's County; they were tenants of Lord Maryborough, and, at the time to which he referred, were in possession of a piece of land for which they paid rent and to which they were justly entitled. They proceeded to fence it in. An attack was made upon them; one of these poor men was so severely beaten, that he lost his senses and, he believed, was at present the inmate of a lunatic asylum; and the elder Carter was beaten to death. The parties were indicted for the murder (which was perpetrated at noon-day); they were arrested and put upon their trial. A person who had assisted the prisoners in challenging the jurors, was put on the jury. There was no verdict. Another assizes came round—the parties were again put on their trial. Who was placed in the jury-box?—Strict orders had been issued that the Crown should, in no case, exercise its privilege of challenging. Who was sworn upon the jury?—why, a convict—a man who had been tried, convicted and punished for an atrocious offence. Could any man expect a verdict of guilty? The foreman said that the jury did not agree—the majority were for the conviction (though the majority were Roman Catholics)—the prisoners were discharged, and went in triumph through the town; the judge took the jury to the bounds of the country, and said—"Gentlemen, I am sorry that neither life nor property can be enjoyed in safety." A third time did the case come on; another abortive trial—and at length the prisoners were liberated—some on bail, others on nominal recognizances; justice was completely baffled, his Majesty's subjects unprotected, the laws of the land not vindicated, and one of the prisoners, liberated by the order of Government, afterwards engaged in levelling the fences of the family of this poor man Carter. Here let the noble Lord see the consequences of his innovation. Was not this a terrible, a frightful case? and was such a state of things to be allowed to continue? He could give the noble Lord many other cases of the same kind on different circuits, but would not now trouble the House with them. But let the noble Lord indulge him with a Committee, which he invited the noble Lord to do and he would pledge himself on the part of his Friends and himself not to "shrink," as the noble Lord called it, from the proof. The noble Lord told the House of the wonders, forsooth, wrought by Lord Mulgrave; the Government of that noble Earl had put a total end to feuds—it had established perfect peace and tranquillity in Ireland, a miracle had been wrought, and all this had been done by sending down persons to the different quarter sessions to represent his Majesty's Attorney-General, and to prosecute men guilty of beating one another to death. The noble Lord was mistaken if he supposed the feuds to arise from difference of religious feeling. No such thing. Roman Catholics fought with Roman Catholics, and beat one another's brains out. And he knew not what the noble Lord meant by saying that the policy of those in power in by-gone days had been, with reference to the feuds, to act on the maxim *divide et impera*. The noble Lord had edified the House by reading catalogues of crimes from the judges' calendars for different years. But the most frightful chapter in several of the county calendars of crime, throughout the whole of Ireland, was the chapter including the faction feuds and savage fights resulting from that source, and most of the cases of outrage to which the noble Lord had especially referred were now disposed of at quarter sessions, and not at the assizes, and therefore the argument deduced from the state of the calendars, as pronounced upon by the judges, was destitute of force. Let not the noble Lord suppose that this wonderful change in the state of Ireland was brought about, as he imagined, through the exclusive efforts of a wonder working Lord Lieutenant. Every one knew the influence which was exerted in the sister country by the Roman Catholic hierarchy and priest-hood. Individual laymen could also say a good deal and do a good deal, and exercise a paramount influence over the minds of the people. It was quite enough that it should have been devised, for certain purposes, to produce a temporary calm; the calm would be produced Oh! it was a beautiful argument—it was quite unanswerable. "Look at the calendar!" such was its burden; "Observe how crime has decreased in Ireland. Think what a crime it would be to disturb this invaluable administration." But he would ask the House if they did not believe that the same influences which thus checked, could, at the proper season, let loose the spirit of lawless outrage? Had there not been instances in abundance of the exercise of this power? Had they not heard threats issued that, if certain events did not take place, Ireland, from one end to the other, would be convulsed, and plunged perhaps, in a bloody rebellion? The noble Lord appeared to rejoice exceedingly at the suppression of the Orange society. He was astonished to hear the terms in which the noble Lord had spoken upon that subject. The topic was one at which he should not have even glanced. For what were the facts? If there was one subject which more than another tended to aggravate the conduct of his Majesty's Government in Ireland in relation to the Protestant population of that country, it was that part of their conduct which had reference to the Orange institution. The noble Lord had said that the conduct of the leaders of the Orange society had covered them with honour. This was a sentiment from which no one could dissent. Their conduct had been honourable in the extreme and most useful and beneficial to their country, and the least that they could have expected from the Government—the complaint against them being, not that they were illegal, but that they hampered the Government, and that it was inexpedient that they should exist—the least they could expect from the Government was even-handed justice—that that seditious body, the National Association, that *imperium in imperio*, should not be suffered to meet publicly, almost immediately after the voluntary dissociation of the Orange body, upon the simple intimation that it was the desire of the Sovereign. Under the very eye of his Majesty's Government in Dublin, that new Roman Catholic Association, he would call it—it was not, to be sure, an exclusively Roman Catholic Association, for there were some Protestants in it, and more shame for them; it was virtually the former Catholic Association resuscitated. Was not the chair of the old Association brought in by the learned Gentleman opposite in triumph? Were not the books and papers which had belonged to the old body brought into the room in which the meetings of the new were held? He distinctly recollected that a resolution had been passed for bringing them in. But would the hon. and learned Gentleman have the hardihood to deny that the chair had been brought in by him to the new Association, and that it remained there to the present moment? He again would say, that looking at the Gentlemen who were taking the most active part in the proceedings of the General Association—looking at their professions, their expressed opinions, and their acts, it was virtually the old Roman Catholic Association. The mere name was nothing. The same body, similarly organised, and having similar purposes, had shifted its name repeatedly. At one period it was a Registry Association; at another it was an Association of Volunteers; but the body of men of whom all those Associations consisted, the tendency of their acts, and the objects which they really proposed to themselves to accomplish, were all identically the same, and these were essentially Roman Catholic. Could it be denied that the operations of this Roman Catholic Association were calculated at least as much to interrupt good government and social order as had been the operation of the Orange society? Politicians, as well as private individuals, were disposed to look with a jaundiced eye upon the proceedings of others, and with special favour upon their own. They could bring themselves to see with exactitude what injuries the proceedings of others inflicted on themselves, but they could not see with an equal degree of clearness what they did to injure others. What, he would ask, was the nature and tendency of this Association's proceedings? For his part, he did not hesitate, as a lawyer, to pronounce it illegal; and there were many other lawyers of his acquaintance who entertained a similar opinion. Some were strongly disposed to believe that it came within the scope of the Act of 1793, when the old Catholic Association was put down. In the opinion of many distinguished men, that Act was merely an affirmance of the common law, which was hostile to every Association of the description. Mr. Wolfe, an eminent lawyer (afterwards Lord Kilwarden) Sir Michael Smith, another eminent lawyer (afterwards Master of the Rolls), and Mr. Chamberlayne, upon whose opinion an equal value was set by his cotemporaries, all of whom were in Parliament at the time, expressed this opinion. But whether or not the Association came within the law as it stood, he considered that it was the duty of his Majesty's Government to bring in an Act to suppress a nuisance of this description. If they were to judge of it by its acts, they could consider it in no other light than that of a standing and permanent conspiracy, leagued in open hostility to the laws of the land, as well as to the rights of his Majesty's Government, more especially the clergy of Ireland. This was a proposition which he (Mr. Jackson) could, without difficulty, demonstrate. The Association met from day to day, discussed political affairs, prescribed measures, and was in the constant habit of overhauling the Government itself; dictated the appointment of such and such persons; attacked the Chancellor, and, without hesitation, arraigned that high functionary at their bar, because he was not sufficiently accommodating to appoint this magistrate or the other. What more did the Association do? It had the audacity to levy from his Majesty's subjects contributions, which, by their extent, absolutely amounted to taxation. But they were assured that these contributions were all perfectly voluntary. They all knew what voluntary political payments meant in Ireland. And when a levy was resorted to, and its payment recommended to a particular individual, they all knew to what inconvenient results a refusal would lead They were not quite aware of the precise quantum of volition which accompanied those contributions. What were the objects proposed by the Association—what the destination of the contribution? First, a Municipal Corporation Bill for Ireland, such as they prescribe—secondly, a Bill, not with an appropriation clause—not for lopping off those redundancies in the establishment which were alleged to be unnecessary for its legitimate purposes—but a Bill for the total abolition of tithes. The learned Gentleman who had launched this Association into existence on the 4th July last—the father of the Association—the learned Gentleman who might rather be described as the grandfather than as the father of that Association, for he had enrolled his grandchildren among its members—that learned Gentleman had told them in plain terms that he never would remain content so long as the slightest inequality existed between the members of the established and of the other religious persuasions in Ireland. "Ought Ireland," proceeded in substance the learned Gentleman, the Member for Kilkenny, "ought Ireland to remain tranquil whilst tithes continue to be paid? It ought not to do so; and it never shall, while any individual in the shape of a clergyman receives anything from any person who differs from him in religious persuasion—until, in a word, a perfectly voluntary system shall have been established. Until this glorious system is consummated, I never will be tranquil—I never will cease to agitate." What more? They must have an organic change introduced into the constitution of the House of Lords. They must have Parliaments shortened in their duration, and they cannot bring themselves to rest contented without the concession of vote by ballot. And yet, "Oh (said the noble Lord) pass this Corporation Bill, and it will bring peace and tranquillity to Ireland." He (Mr. Sergeant Jackson) wished the noble Lord had given a distinct answer to the question which in a former evening had been put with regard to this Association, by a learned Gentleman on that side of the House (Mr. Sergeant Goulburn). The noble Lord had taken time for preparation of his answer, and it now appeared that he was not altogether disposed to differ from the sentiment to which another noble Lord had given utterance in another place; nor was he altogether disposed to assent to it. To assent to it wholly might not be convenient. The majority by which the noble Lord was sustained in that House might be somewhat endangered if the noble Lord were to express his perfect concurrence. The noble Lord approached the expression of that distinguished Peer with gingerly caution, and took it up as they take up the Bible in Ireland—with the tongs. The noble Lord said, "if such an Association existed in Edinburgh," he "should regret it," he "should feel concern" about it. Why that was just the language of the Premier in the House of Lords with regard to the Association as actually existing in Ireland. That noble Peer had lately said, "it was with great regret and concern that he saw the existence of this Association, and he decidedly did not think there was sufficient ground for its establishment." The noble Lord had favoured the House with a reading from Hume's "History of England," he had passed from the reign of Queen Elizabeth to the viceregal career of the Duke of Bedford, who was an Irish Lord-Lieutenant during the last century. And the noble Lord had then gone on to say, that the formation of this Association in Dublin was a very different thing from the establishment of one of a similar kind in Edinburgh. Granting, for a moment, that all these things afforded a sufficient vindication of the Association existing in Dublin, how would they serve to defend the encouragement, the absolute fostering protection, which had been extended by the Irish Government to this Association? Of this he would presently exhibit abundant proof. Was the noble Lord serious when he spoke in palliation of this body's original formation? Did he really conceive that by-gone events had afforded the slightest grounds for this revival of the Catholic Association? For his part he could not see how any reasoning man could come to such a conclusion. Were they not told, upon the concession of Catholic Emancipation in 1829, that there was at once and for ever an end to agitation? Were they not told by the Roman Catholic prelates that they had formed the determination to retire without reservation from the arena of politics? Were they not, moreover, told by the hon. Gentleman himself, that he would withdraw himself from political discussion, and fall back upon the character of a sober special pleader, or of a laborious equity draughter? How, he would ask, had those promises been fulfilled? Was not every Roman Catholic Bishop in Ireland enrolled at the present moment as a member of the Association, and had not the hon. and learned Gentleman (the Member for Kilkenny) but just concluded a career of agitation, which even in his agitating life was unparalleled? He had stated the objects for which a large portion of the Roman Catholic population of Ireland had been laid under contribution. The first of these was the total abolition of tithes. They must be done away with entirely, such was the avowed object of the Association. How did they set about this work? Why, a portion of the funds of the Association had been applied to the purpose of enabling persons litigiously disposed to resist the claims preferred of necessity by the Irish clergy in the courts of law for the establishment of their violated rights. Of those persons who withheld payment of their tithes some held out under process of contempt, until by the operation of Sir Edward Sugden's act they were taken into custody and brought up to Dublin, and there defended at the expense of the funds so set apart, or prompted to come forward in court, and there assert that they were not rich enough to defend themselves. A case occurred to his recollection which would satisfactorily illustrate the system. It was the case of an individual named Curboy, who made this statement of poverty to the court, and had the matter referred to the Chief Remembrancer for investigation. He was accordingly examined by Mr. Acheson Lyle, the second remembrancer, who entered fully into the circumstances of the case. From this investigation it resulted that the man had been regaled during his residence in prison with beef and mutton, in a mode which afforded him the utmost gratification; and, after all, the fact transpired of the man's perfect ability to pay. There was a Gentleman named Terence Dolan, an attorney, and a member of the Association, who had engaged to put in answers to all the bills preferred against tithe recusants. This he had absolutely done in many cases without the knowledge of the defending parties. There was one such case which had come under his immediate observation. An individual was proceeded against for an arrear of tithes claimed by the dean and chapter of St. Finbar's church, in Cork. The matter was brought into the Court of Exchequer. The defendant did not personally appear, but came in with a motion through his attorney, Mr. Coppinger. An appearance, however, had been previously entered by Mr. Dolan, a circumstance of which he had obtained previous knowledge; he, therefore, insisted that the defendant did not possess a right to make any motion through Mr. Coppinger. That gentleman, who was acting from the beginning for the defendant, was quite astounded by this announcement; and the fact was elicited that Mr. Dolan had acted without in the slightest degree obtaining the sanction of the party. The evident object of the practice which was at present pursued was to disable the clergy, to break down their efforts to collect the tithe, by making the proceedings in the Court of Exchequer so onerous to them, that they must be compelled to retire from the field, in which they struggled for their just rights. The system pursued was to enter an appearance, or to put in an answer in each case, which was a mere echo of the bill. A case had occurred within his own knowledge, in which a clergyman could not take out a copy of one of these answers without incurring an expense of nearly 70*l*. To sustain this mischievously litigious system, it would be necessary for each injured clergyman to expend a large fortune. Such was the system which the lawyers of the Association had put in practice, and for the maintenance of which funds were supplied by this Roman Catholic Association. He said, therefore, that looking at the Association, and judging of it by its acts, it did appear to him to be perfectly illegal, and he thought no lawyer could otherwise decide, when it was manifest it promoted and fostered a conspiracy to deprive another of his just rights. If there were no other test by which to judge of the Association, this alone was sufficient to prove that it was illegal; it was a standing, permanent conspiracy against the law of the land and the rights of the subject. Then what had they done more in that Association? There was an organisation throughout the country. The hon. and learned Member proposed the appointment of "pacificators." The hon. and learned Gentleman had them under the old system; under the old *regime* they were designated churchwardens, and they had certain functions to perform for the Catholic Association. Those persons were not churchwardens, such as they in that House might understand them to be, persons who had anything to do with churches or chapels: no; but they were to attend to the divers secular objects for which the prime mover appointed them. Now, however, instead of churchwardens, they were, forsooth, designated "pacificators." Now, let him remark, if there were that profound peace in Ireland, if there were so much of that boasted tranquillity, what use was there for "pacificators?" Now, what was the use of these pacificators? They were told it was to bring forward every man who could do so to register. Another thing they had to do was to raise a rent for the Association. And he could now tell some of the fruits of their exertions at registration. He had received a letter since he came to that House (and there was also a Member of Parliament to speak to the facts) as to what was the manner of effecting the registration of voters by these pacificators. He appealed to the hon. Member for Cavan, who could tell them what was the condition of his county. There were now armed parties going through the country, visiting houses, and examining the leases, to see whether those who held them could register—these persons fired shots, and threatened destruction to those who did not go forward and register. He had other letters describing the same facts, but he felt he should be trespassing to an unwarrantable length upon the House, if he were then to read those documents. But this he told the noble Lord, that if he would only favour him with a Committee of inquiry, he should undertake, in conjunction with his hon. and noble Friends who took part in the meeting referred to, to prove every one of the allegations which were then put forward. But then the noble Lord, forsooth, taunted them by saying, that here they had let a whole week pass over, and they had not yet dared to bring forward one of the charges they had made elsewhere. Why, they were not in so great a hurry as the noble Lord was in bringing forward his Corporation Bill. He could tell the noble Lord it was not because they were afraid—it was not because they were shrinking—it was not because they had the slightest doubt of the accuracy of the charges they had made. He could tell the noble Lord, that there would be laid on the table of that House a petition as respectably and as numerously signed as any petition that had ever been presented to them. There would, too, be laid on the table of the other House a petition as numerously and as respectably signed as any petition ever yet presented to that House; and both these petitions would be found to complain distinctly of his Majesty's Government in Ireland, and they would also be prepared to prove every allegation that they made. The noble Lord knew pretty well the difficulty of getting up petitions respectably signed. This could not be done immediately when petitions were agreed to in Dublin, and signatures were to come from different parts. These signatures would to a very great number be affixed to these petitions. They would have them in a short period of time, and perhaps a little sooner than the noble Lord would be glad to see them. With respect to the Catholic Association, he considered that upon that subject the noble Lord had come to a very "lame and impotent conclusion." It was not in a negative way that his Majesty's Ministers were to be chargeable as encouraging it. He charged them in the most positive manner, he asserted distinctly, in giving to that Association their approbation and support. This appeared by the transferring of an hon. and learned Gentleman to the table of the Viceroy. It appeared to be a matter of course. At the same time the hon. Gentlemen opposite need not cheer—he would undertake to say, that if any noble Lord or hon. Gentleman in office at a former period had invited from an Orange lodge persons to dine, a general outcry would have been raised against them. He would now come to a much more grave matter. He asked the noble Lord opposite was it not the fact, that a learned friend of his, who was a member of the National Association, had, within a few days, received a high legal appointment? The individual to whom he alluded was one he knew well, and of whom he could not personally permit himself for a moment to speak in terms which might be interpreted as derogatory. That individual was a Roman Catholic barrister, eminent in his legal, and highly respected in his private, character—sincere too, he firmly believed, as he was firm in the profession of his religious opinions. The individual to whom he alluded was Mr. Pigott, and Mr. Pigott was a member of the National Association. Would the noble Lord opposite allow him to ask whether or not Mr. Pigott had recently been appointed to the office of legal adviser to the Executive in the Castle of Dublin?

Viscount *Morpeth*: I will give the hon. and learned Sergeant's question an immediate answer. I do not know whether the appointment has yet actually taken place; but it is certainly intended.

Mr. Sergeant *Jackson* would not hesitate to say, that though he respected the individual in his private character, though he was a gentleman of high station in his profession, he would say, with the very greatest respect towards that individual, that it was utterly unbecoming—he was going to say indecent—but it was an improper, a most improper, proceeding on the part of his Majesty's Government in Ireland to appoint a member of the Roman Catholic Association to an office of this sort. He begged pardon of the House for trespassing on their attention. He would ask what was the nature of this situation to which Mr. Pigott had been appointed? Was it not perfectly well known that it was the most important office connected with the Irish executive government? It was one of the most important offices connected with the administration of the law, and with the peace of the country. It was the department through which the entire correspondence with the magistracy of Ireland passed. It was through the law adviser's office that every question passed that arose in Ireland. He was the individual whose opinion was taken upon the communications of the magistracy of the country, of the constabulary, and the police, as to the various difficulties that might arise in the execution of their duties. If a collision took place in the assertion of a tithe claim—if a call were made for the intervention of the constabulary—if a call were made for the military, he was the person to be consulted as to the propriety of the interference of either the police or the military. Yes, they must consult this very individual, and he would ask the noble Lord, particularly when he recollected that there should be a perfect coincidence of opinion between Lord Mulgrave and Lord Morpeth, and the Attorney-General and the Solicitor-General, and lastly, the law adviser of the Crown—there should be a perfect coincidence of opinion—did the noble Lord think that Lord Mulgrave was of opinion that it was right and proper to obstruct the King's subjects, even though they were Protestant clergymen, in the recovery of their rights? Did the noble Lord think that Lord Mulgrave was of opinion that it was right and proper to establish a fund for the purpose of rendering litigation vexatious and intolerable to those who maintained their legal claims? Did the noble Lord himself concur in this opinion? He thought he had a right to say that these were the opinions of the learned gentleman who would be found to be the law adviser of the Government in all these cases. That gentleman had subscribed to the fund that went to the relief of Reilly, who was imprisoned for resisting the claims of the clergy. Yes, that learned gentleman had subscribed to the fund which was raised to support expensive proceedings in the courts of law against the just claims of the Protestant clergy; and he would ask was it decent that this person should be selected from the Roman Catholic Association? was it, he would repeat, commonly decent that such a man should be selected? Did the noble Lord think that the Protestants of Ireland were fools, or that they could imagine that they would have justice administered? Did he think they would imagine or expect justice when the very partisan who had combined to resist the legal claims of the church was *de facto* the most responsible minister of the Crown? And now how was he appointed? Many persons would recollect, when an attack was made on the learned gentleman (Mr. Pigott), the late Member for Dublin coming to the Association primed and loaded with the vindication of the learned gentleman's character, whom he pronounced to be the most useful, laborious, and efficient member of the Association—he was the very person that enabled the Association to carry on successfully their system of warfare against the just rights of the clergy.

The Government had selected for this place this very useful character—this very busy and useful Member of the Association. But was the vacancy caused by the ordinary course of proceedings? Did not the Government go out of the ordinary course for the very purpose of appointing this very Gentleman? Let not the noble Lord suppose that he was a candidate for the office. The world and its contents would not bribe him to take part in the administration of the affairs of Ireland under the present Government. He assured the House he had not the least desire that way. But there was a first sergeant—he was only the second—there was the first sergeant, a gentleman who had never been embroiled in politics, who was of the utmost eminence—he meant Mr. Richard Wilson Greene. There was not a better lawyer, or a man of more unexceptionable character—he had kept aloof from politics and had never been in Parliament. This man was passed over. There was then the third sergeant, on whom that rank had been bestowed by the present Government—he meant Mr. Sergeant Ball. He was naturally the person who might expect promotion, and if Mr. Greene were passed over, Mr. Ball, who was appointed sergeant by the present Government, was naturally the person who should be called to fill the office of Solicitor-General. Than Mr. Ball no man was more eminent in his profession; he was of the first rank, and of most unexceptionable character. He had never heard an allegation against him. He was likewise a Roman Catholic, so that there could be no objection to him on that ground. He would say solemnly and sincerely, "God forbid that a Roman Catholic who was fit for the office, and who was of a respectable character, should not be appointed to the office just as soon as a Protestant." But he would again ask what was the ordinary course of promotion? He referred the question to the Solicitor-General; but the fact here was that Mr. Ball was passed over, and Mr. Maziere Brady, a gentleman, he would undertake to say, who had never addressed a jury as a leading counsel, was made Solicitor-General. And why was Mr. Brady passed over the heads of all the bar? It was to make this vacancy for this member of the Roman Catholic Association. Was this all? Did the appointment stop here? He would again ask the noble Lord had he not caused the commission of the peace to be issued to members, and prominent members of the Association? They were told last Session what he supposed was now forgotten, that nothing of influence, no political views, should interfere with any appointment; that everything should be perfectly impartial. The impartiality, he was sorry to say, was all on one side; it was a sort of Irish impartiality. No Orangeman was to be appointed; there was a special clause disqualifying any person belonging to an Orange society. Was it no objection to a man that he belonged to this illegal Association? It appeared not, for they had magistrates appointed from the Association. A gentleman of the name of Cassidy had been appointed, and this against the remonstrance of the noble Lord who was the Lord-Lieutenant of the county in which the appointment was made. And why was this? Mr. Cassidy was a leading agitator. Mr. Cassidy had resisted the payment of his dues to the clergy; he had been absolutely convicted of resisting the officers who went to levy those dues. The Lord-Lieutenant of the Queen's County was aware of these facts. A more amiable and excellent man never adorned society than Lord de Vesey—there was not a more honourable, enlightened, and liberal man. Lord de Vesey was called upon to make this appointment; he was applied to by the liberal club of the county, forsooth, but he refused to make the appointment. From other and higher quarters more pressing influence was used to procure the appointment, but the Lord-Lieutenant still declined to recommend Mr. Cassidy; he stated distinctly his reasons for so doing—namely, that he did not consider him a fit and proper person to be appointed; that he was likely to disturb the peace of the country; and that he had been convicted of resistance to the claims of the clergy. He (Mr. Jackson) would ask if this were a man to be put on the bench to administer justice in cases of this description? Yet the opportunity was seized the moment the Lord-Lieutenant left for some temporary object; that moment was seized by the Irish executive, and this man was appointed to the magistracy. He would now ask whether the noble Lord thought that he would be able to support his Bill of indictment against the Government? He would undertake to show, as distinctly as any case was ever proved, the abuse of the patronage and prerogative of the Crown.

But what had been the conduct of Mr. Cassidy? In triumph he went to the Roman Catholic Association; this man, who had resisted the payment of his dues—who had attended tithe meetings—who had been convicted of resisting the just claims of the clergy—he went to the Association, put his hand in his pocket, drew forth the whole of his arrears of tithe, and presented them *eo nomine* to the Association. He would ask the gentlemen of England was this fair?—was it just?—was it impartiality?—was it even-handed justice to Ireland? Justice to Ireland! it was a mere outcry, to swell the power of one individual. Oh! that they could enforce justice to Ireland! They called for the reformation of corporations. He wished they could reform one corporation that existed in Ireland—he meant the Roman Catholic hierarchy. It was not a municipal corporation, but it was to all intents and purposes a perpetual succession, independent, and under self-control, and it would never rest—they would find that it would never rest satisfied—till it had pulled down the English church in Ireland, building their own on its ruins, and abolishing the church altogether on that side of the channel. The hon. and learned Gentleman (Mr. C. Buller) might laugh, but he could tell the House that persons connected with that body entertained notions that the Roman Catholic religion would be the established religion in this country as well as in Ireland. This opinion had been preached by the head of a Jesuit College in Ireland—namely, that ere many years had elapsed the Roman Catholic religion would be established in England. Any man who looked into history would see that it had been the policy, the aim, and the object of that body, from time immemorial, to set up their own church, and to pull down other churches. But he begged leave to ask, did the matter stop there? Was it only the magistrates of the rural districts that were assailed? He would ask, had not a gentleman of the name of Tighe been appointed to the place of assistant barrister? Would the noble Lord do him the favour to answer this question?

Viscount *Morpeth:* No such place has become vacant since I left Ireland, and consequently no such appointment can have taken place.

Mr. Sergeant *Jackson* would not make a further observation on this case. Being on this side of the water, he could only avail himself of the same means of communication which were open to the noble Lord; he had no other mode than letters and newspapers; these were the only sources of his information, and from those he learned that Mr. French had retired, and Mr. Tighe had been appointed. He now begged leave to come to another and more important matter. The noble Lord (Lord John Russell) said that a miserable monopolising minority made all these false charges against the Government. They had charged his Majesty's Government with an abuse of the privilege of mercy. He pledged himself to establish the charge. He would not say that he would establish it to the satisfaction of the noble Lord; but he would establish it to the satisfaction of every man there, except his Majesty's Ministers, who were parties interested in the issue. In the first place he begged leave to observe, as a preliminary, that no one thing did Ireland require more at this time, and indeed as long as he remembered, than obedience to the law of the land, and respect for those who administered it. There had been a custom as regarded the judges in Ireland, an old and established usage, which, if departed from, would render the administration of the law uncertain, would take away all confidence, and place in jeopardy the lives, liberties, and properties of the loyal and peaceful subjects of the Crown. First of all, then, he would ask how were the judges of the country treated? He had heard them in that House assailed in a most indecorous, he was going to say indecent, manner. He had heard them arraigned—men of the utmost eminence, and who were entitled to rank with the judges of any law or of any country—he had heard them arraigned because they had done their duty, by giving effect to the process of the courts. They had been called political partisans, and these charges were made by officers of the Crown; and he had heard, and he had seen with astonishment, the Ministers of the Crown seated and hearing patiently, without one of them getting up to vindicate the judges of the land, and to shield them from attack in their absence. Some of them even went so far as to join in the attack. He would ask, could those who heard and read such addresses entertain a proper respect for the administrators of the law, or for the law itself? He would give one or two out of a great number of instances, with all of which it would not be necessary to trouble the House. One of them was the case of a riot of a very formidable description, in which Roman Catholics and Protestants were both engaged, the Roman Catholic party being the aggressors. He did not say of "course." He was stating the facts of the case, and he would prove the facts as he stated them. He had the highest authority for them, and he pledged himself to prove them. The Roman Catholics were the aggressors; an indictment was preferred, and a cross indictment, so that both parties were indicted; they were indicted for riot, for an aggravated assault, and for a common assault. The case went to the jury, and they convicted the Roman Catholics of riot and aggravated assault, and convicted the Protestants of a common assault, and that, too, of a very mitigated nature. The judge, who was the Chief Baron, sentenced the Protestants to three months' imprisonment, and the Roman Catholics to six months' imprisonment. It had been an established rule that in all cases the opinions of the judges should be asked before the executive exercised the prerogative of mercy. There was an established form, which would be found lithographed in the Chief Secretary's office. Was any inquiry made in this case of the Chief Baron? or was he asked to report the nature of the evidence on which they were convicted, or the relative guilt of the parties? No such thing. He thought that an English House of Commons would be astonished when he told them that the first intimation that the learned and eminent Judge had of the sentence being dispensed with, was from the publication of a newspaper. He then saw a letter written by the lady of Lord Mulgrave to the wife of one of the party, stating that "she had conferred with Lord Mulgrave, and that he was of opinion that as the guilt was the same, so ought the punishment to be;" and his Lordship had, therefore, directed that when the Protestants were discharged, the Roman Catholics should be discharged at the same time. Did the noble Lord opposite mean to contradict this statement? Would any Gentleman competent to contradict it do so? Would any Member of the Government say that this was not the fact? If any one did he would join issue, and tell him that he could prove the fact. [Lord *Morpeth*: It occurred last year.] Last year? What did the noble Lord mean by saying it occurred last year? Was it according to the noble Lord's rule of reasoning that a thing wrong in itself became right because it was done last year? He had another instance which came from another tribunal. It was a matter that took place at an election for Newry, where an elector was kidnapped, and prevented from exercising the elective franchise. He was made drunk, and before he could recover his senses he was conveyed ten miles out of town; he was detained for a week, being conveyed from one barn to another, having a sentry of five men over him by day and three by night. His wife and family were distracted, they looked for him every where, an indictment was preferred against some of the kidnapping party for assault and false imprisonment, the most satisfactory conviction took place, there was not even an attempt to deny the facts, they were admitted by the party, and the Court of Quarter Sessions passed sentence of eight months' imprisonment. What was done then? Was the learned barrister called upon to report the facts of the case? He never heard a word on the subject until he found that the prisoners had been discharged. He could multiply similar instances as long as he pleased, but he would then proceed to another class of cases the most monstrous that he had ever heard in the course of his life. Lord Mulgrave, as was well known, set out on a tour; what the object was he did not know—probably popularity. He knocked open all the prison doors; he went to a great number of the counties of Ireland, and discharged the prisoners according to the extent of the county or the number of the inhabitants. He did this without any references to the judges, and without asking in a single instance what were the circumstances of the case. No; without any such ceremony he opened the prison doors, and discharged their contents on the community. In Sligo he discharged twenty-five prisoners, and in Cavan he discharged fourteen. Amongst these some had been convicted of firing at the revenue officer; this was a trifling thing in Ireland—in these particularly peaceful times it was a mere trifle. There was amongst these also the case of a man of the name of Jones, who had been convicted of an assault with intent to commit violence; he, too, was discharged with the rest. He could assure the House that these persons were discharged without the formality of asking the judges whether they were fit and proper objects of mercy. In the county of Donegal ten were discharged; but this was done by the order of the Lord-Lieutenant, as conveyed in a letter from his private secretary. This letter was addressed to the governor of the gaol. [Viscount *Morpeth:* I believe that is not the case.] He could assure the noble Lord that if he inquired into it he would find it was the case—he would find the letter signed "C. Yorke," and dated "28th August, 1836," amongst the papers in his office. He would ask the noble Lord was this a proper way to administer the justice of the country? Was this the way to ensure the confidence of the country in the administration of the law? Did the noble Lord consider that, in every case of this nature, the people would reflect, and argue thus—"The judges who tried these cases are exceedingly unjust; they inflicted sentences far beyond what they ought to have inflicted, but this most wise and excellent Viceroy is determined to see justice done to the people." Was, he would ask, the solemn adjudication of the country to be treated in this way—was it to be dispensed with and set aside by the *ore tenus* direction of Lord Mulgrave—was this the way to ensure respect for the judges—was this the way to enforce protection for the lives, and liberties, and properties of the King's loyal and peaceful subjects? He could give the noble Lord a long list of counties where a similar course had been pursued. He himself could prove many of the facts he had stated, and he would beg of his Friends to come forward and state those facts that came within their knowledge, and to aid him in preparing his bill of indictment against the Irish executive Government for their conduct. Was it anything outrageous for the Protestant and loyal portion of the inhabitants of Ireland to meet and respectfully call the attention of his Majesty to proceedings which they considered a breach of the law, and endangering the safety and independence of his Majesty's subjects? Such had the Protestants of Ireland done, and for so doing they were met by a protest signed by certain absentee Peers, denouncing their proceedings. Whether this protest was signed by the parties whose names were attached to it was perhaps a matter of doubt. He did not know whether they had or had not signed it—he was willing to take it either way, he was willing to admit, that this document had been signed as it pretended to be, and then he would say to those noble Peers, with all due respect for their titles and their station in society, that he never knew a more unjustifiable proceeding than that with which they had mixed themselves up. Were not the Protestants of Ireland entitled to make themselves heard by petition, or by any other constitutional manner, as freely as any other class of his Majesty's subjects? The hon. and learned Member opposite (Mr. O'Connell) was very much mistaken if he supposed that he would be deterred by anything the hon. Member could do or say, or any demeanour he might take upon himself to assume, either in that House or elsewhere, from making any statement which he might think proper. Was not the legislative Government of this country one of King and Parliament, consisting of Lords and Commons? And yet these noble Lords who signed this protest stood by and looked on at an Association rearing itself up into authoritative position, asserting this must not be, and we must have that, and sowing the seeds of misrule and rebellion in the country, and never objected to it, never said, "we must not have this; this is going too far." But when the Protestants met to set forth their complaints in a strictly legal and peaceable manner there was a cry set up amongst them all that it was a most dangerous meeting. He could tell these noble Lords that they had better look sharp after their acres in Ireland—he would tell the Duke of Devonshire and Earl Fitzwilliam to take care lest, before two years had gone over their heads, their estates might be proclaimed. If they looked into past history they might find a series of events identically similar with those now passing before us; let them turn to the days of James the Second and they could find an alarming parallel to present times. The only difference was, that in those days it was the vote of a Tyrconnel and a Fitton, and now that of an O'Connell and a Woulfe. It was part of the language held by religious men, by priests, by learned men, at the new Association, that the estates of the Protestants had been purchased by blood, and the terms in which those Protestants themselves were libelled there were of the very lowest description. One noble Lord, than whom no one was more highly or more justly respected, whom it was impossible to look on and not know him to be a nobleman, who had been present at the late meeting, was met in a strain of the lowest drivelry. He alluded to Lord Abercorn, and this was the language used with regard to him:—"Sacrilege and perjury were the foundation of his Scottish estates, and his Irish ones, like almost all the rest, were the consequence of plunder, robbery, and bloodshed." Perfectly true as the hon. Gentleman says. Pray has the hon. Gentleman himself any estates in Ireland, and are they, like the rest, the consequence of plunder, robbery, and bloodshed? But was this the way a serious subject of this kind should be treated? He repeated, that the events now passing in Ireland should be a solemn warning to all the landowners of Ireland to take heed to their tithes. If things went on as they now did, two years would not be over their heads before they were called in question. Look to the history of the last few years. When the question of the Repeal of the Union was first started, the man who stood up to advocate it would have been called a madman. When the hon. and learned Gentleman (the Member for Kilkenny) started this project for agitating and filling pockets, he did not succeed in getting a second man in Ireland to support him in it. Now the case was changed; look at his goodly host of supporters in the National Association. The noble Lord told them that the only argument against extending the principles of municipal reform to Ireland, as they had been to England and Scotland, was that England was inhabited by Englishmen, Scotland by Scotchmen, and Ireland by Irishmen. He should like to know where the noble Lord had heard that argument used. He was aware that a great stress had been laid upon certain expressions attributed to a noble individual in another place, and distorted for the purpose, in which something about "aliens" was said. It was a great pity, certainly, that they should be deprived of this valuable stock in trade, which had been the subject of so many brilliant harangues. "Torrents of blood should flow," said the hon. and learned Gentleman, "to atone for this insult." "He would rather see the rivers of his country stream with blood than that this stain should not be wiped out." Now, who was the hon. and learned Gentleman who spoke thus, and what had he said about Englishmen? What language had he used towards the liberal and enlightened gentry of England? He had called them "Sassenachs," which, being interpreted into the vulgar tongue, meant Englishmen, Saxons, or strangers. He had called them "foreigners, enemies." He would, if it was not trespassing too much upon their patience, edify the House with a few specimens from a letter, one of a series, the whole of which were worth attentive perusal, dated from Derrynane-abbey. It began with a beautiful piece of poetry; it then went on to say, that the union had done nothing for Ireland; and then the hon. and learned Gentleman addressed himself solemnly to the Protestants of Ireland. [Mr. *O'Connell:* What is the date of the letter?] The date was, "Derrynane-abbey, September 27, 1830." Well, were the English people so changed since 1830? It seemed that these former Sassenachs and strangers were a very good sort of people now; they were all going on the right way. All he could say was, that he hoped they would not go on so long. He would now read the opening passage of this letter. It began to the following effect:—"Now, youths of Ireland, listen. Protestant young gentlemen from the walls of Trinity College, you call yourselves Irishmen. Does the love of your country, does the patriotic fire warm your bosoms—be ye indeed Irishmen, or be your feelings those of the stranger and the foe to liberty? Born during the conflict between prejudice and enlightened freedom, have you recovered from those prejudices?" The hon. and learned Gentleman then addressed himself to the Catholics of Ireland, but in what a different strain, in what a different view had he placed them. "Catholic youths of Ireland," he said, "who view this land as the country of your birth and your inheritance," &c. The Protestant youths were not Irishmen, in the hon. and learned Gentleman's sense of the word; it was not the land of their birth and inheritance, and this, be it remembered, after the passing of that great healing measure which it was promised and expected to lead to the perfect conciliation of that part of the empire. The hon. and learned Gentleman in other passages of his letter proceeded to address the Irish youths in such a strain as the following:—" Survivors of the unionists, base men who sold themselves and their country to the dominion of foreigners." Now what did this amount to, what did all these repeated expressions mean, so distinct from the very term "alien," which had been attributed in a mistaken sense to a noble Lord in another place, who upon being made acquainted with the misconception to which it had given rise, hastened to apologise for it, and to assure the people of Ireland that he did not intend it in the sense attributed to him. In the face of this apology, regardless of explanation, still clinging to the distorted and erroneous view in which the expression had at first been received, a motion was framed at the National Association, by the hon. and learned Gentleman opposite, to denounce the noble Lord in question.—[Mr. *O'Connell:* No: Mr. Boyce.] Oh, the hon. and learned Gentleman was glad to get a scape goat, was he? and in a Protestant Member of the Association? The hon. and learned Gentleman, however, prompted him doubtless in what he was to do—but he did a little more also: he moved the setting aside of a standing order for the purpose of bringing Mr. Boyce's motion forward at a time when it would not otherwise have been introduced. This motion denounced the noble Lord he referred to as "an enemy to the peace of Ireland—to the stability of the empire, and to the throne of England." Could any language be more atrocious, and yet it was actually applauded by Gentlemen opposite. Had anything been done to warrant their thus holding up to execration that illustrious person? What, should he not call him an illustrious person, who, by his own merits and exertions, by his learning and talents, had raised himself to the highest and most honourable station in this free country—a man of whom England might be justly proud, and of whom Ireland too had a right to be proud? Hon. Gentlemen might laugh, but the noble Lord of whom he was speaking was nearly connected with the Copleys of Limerick, and the Singletons of Clare. Was it not disgraceful that such a man should be thus held up to the knife of the assassin? For what was it but to invoke the knife of the assassin thus to stigmatise him as an enemy to Ireland, thus to hold him out as the author of an insult only to be washed out with blood? It was atrocious, it was deplorable that such language should be used. And what must be thought when the very man who used it was himself continually in the habit of using infinitely stronger language with respect to Englishmen? The expressions "Stranger," "Foreigner," "Englishmen," were continually in his mouth. How did these epithets differ from that of "alien," even if the noble Lord had used it in its most obnoxious sense which he had repeatedly denied? "I have trespassed long upon the attention of the House (concluded the learned Sergeant,) and I have only to repeat that with which I set out—that as regards the impeachment of the Irish executive, I avow myself to have been a party to the resolutions of that great meeting to which the noble Lord referred. Let him give me a Committee, and I pledge myself to demonstrate before it, that the Irish Government has abused the prerogative of mercy, and most grossly misapplied the powers with which it was intrusted."

Mr. *O'Connell* said, Sir, I concur in the pleasure these cheers manifest to be entertained by the hon. Gentlemen at the other side, at the speech we have just heard from the hon. and learned Sergeant. I must say I never heard any speech with more complete delight. As for the personal attack on myself, that is perfectly beneath my dignity to notice. It certainly does not alloy the satisfaction with which I listened to the rest of the discourse. I have not arrived at my present time of life without learning to value the abuse of some whose praise would be censure indeed. All I ask the hon. and learned Sergeant is never to praise me; let him do with me what else he pleases. The satisfaction which I derive from the speech of the hon. and learned Sergeant, is founded upon two grounds; firstly, that if he has any material of political candour about him, he has taken up a course from which he cannot with any dignity retire; and, secondly, that he has avowedly displayed himself as the organ for the opposition of his Majesty's Ministers. There is no disguise now, they have made him their champion; they have bound their cause with his, and it is impossible that the right hon. Baronet himself can be more explicit upon the course they propose to adopt than the hon. and learned Sergeant has been. The coalition sitting on that bench is now undisguised in its features, which announce that there is to be no peace for Ireland but in the extermination of its people. What will Irishmen have to expect whe the learned Sergeant is one of the law officers of the Crown, for he deserves it quite as well as the hon. and learned Gentleman sitting at his side, in some points; as in assurance and coolness of assertion he even exceeds him, and in his low jests he beats him hollow. It was a great joke with him that I set him right in a matter of fact; he asserting that I moved the resolution at the Association reflecting upon the conduct of Lord Lyndhurst; whilst I, without meaning any offence to the party, told him who really did do it. I supported the motion to be sure, which I do not pretend to deny. But the hon. and learned Sergeant, who talks so bitterly about assailing persons by name, has himself done so in many instances in the course of his speech to-night. He speaks with contempt of Mr. Tighe, one of the most rising gentlemen at the Irish Bar, and this "person," forsooth, is attacked by the learned Sergeant, who doubtless considers himself one of the aristocracy of the Bar. The learned Sergeant then went on to attack Mr. Pigott, one of the best and most rising men of the day either in Ireland or any where else, whose legal knowledge is of the very highest order, and the ingredients of whose mirth are so mixed up with the milk of human kindness that no one could take offence at it, unless indeed he were possessed of that species of heart close to the leather lungs of the hon. Sergeant.

The *Speaker* rose to order. He was understood to say, that although the hon. Member doubtless felt that he had received some provocation for what he was saying, he thought he would do well to express himself in more moderate words.

Mr. *O'Connell:* I have been assailed in the coarsest language; however I will not retaliate as far as relates to myself, but I certainly think I am entitled to speak about the contemptuous attack made on Mr. Pigott. Mr. Cassidy has also been alluded to by the learned Sergeant, who makes a great point about his having been refused to be certified as a proper person for a magistrate by a certain noble Lord. Now, I want to know whether Mr. Cassidy ever was a candidate against a son of the noble Lord in question, putting him to the expense of a contested election. If so, that is quite sufficient to account for the refusal of his certificate. Why did not the learned Sergeant make these charges in Dublin? There was a good reason for it. He durst not make them there, because they would have been contradicted as amply and distinctly as they merited. He had not made them in Dublin, but in that House, knowing that the persons who could contradict them were elsewhere. These, however, are specimens of the manner in which the learned Sergeant would administer law to others. Now, let me ask if the learned Sergeant was not satisfied with the proscriptions already made in Ireland, that he must now come forward and proscribe ninety persons in the new Association? He calls it a Catholic and seditious Association. I have no words, no sufficiently strong terms, to reject such an imputation; and can only reply that the charge made by the learned Sergeant is unfounded. When the Irish Corporation Reform Bill was thrown out, it was stated, that one ground for this step was an assertion of mine that the new corporations would form normal schools for peaceful agitation. That was my statement, and it had been commented on in every possible manner, and urged again and again as a ground for rejecting the Bill. And what did I then predict? I predicted that agitation would increase and I have redeemed my pledge to the letter; and I am determined to persevere in the same course, because I know that the Association is constitutional, and because it has already been successful. The learned Sergeant said, the Association was a Catholic Association, and proceeded to demonstrate this in the strangest way. In what way? By exultingly proclaiming that the president's chair belonged to the Catholic Association, and that it was proved by the brass plate on the back of it. I admit the fact, I admit that the chair belonged to the Catholic Association; and yet this is the way in which the learned Sergeant occupies the time of a grave senate for two hours and a half, by exerting all his ingenuity to prove that the Association is Catholic because the chair belonged to the Catholic Association. Why the Association is not a Catholic Association, unless Catholic is understood in the true sense of the word, and means a universal Association—and it is universal, it is composed of men from the north to the south, from east to west, men combined from a sense of wrong, and imbued with the deepest feelings of indignation for the injustice inflicted on them, and taunted at the same time for entertaining such feelings by those men who have lost their power, and who thus show what their conduct would be if they again recovered their dominion. Did not the learned Gentleman calumniate the Catholic clergy? Did we not hear him talk about reforming the Corporation of the Catholic Church? What has he to do with that hierarchy? Why is he put forward to calumniate them? If you support him I accuse you as accomplices. Why in the most outrageous periods of the agitation for Catholic Emancipation, in the angriest times and most violent contests between the parties, Orangemen spared them. Dr. Doyle, to be sure, was pointed out, the remainder were spared as men unimpeachable in their moral conduct. I hear another laugh from one of the party. I am glad of it. It proves that, now there is no concealment. The laugh is echoed and it is a symptom of what they would do if they had to reform the Catholic Church. They have tried that already. Their ancestors had recourse to the gibbet and scaffold, and the axe, by imprisonment and tortures, but they failed in doing it. Why, therefore, is the learned Sergeant put forward as the principal agent in pouring out violent abuse on their sacred and anointed heads? The Irish people will hear this, and they will also hear of the cheers which followed these announcements from the other side. They will learn what abuse has been heaped on the Irish clergy, and know how to estimate the intentions and policy of the party. There is now no disguise. The learned Sergeant has even gone so far as to charge the Catholic hierarchy with a wish to be connected with the State, and have the church property transferred to them. The Catholic Bishops have decided the point. Twenty-four of them met, and they declared by public advertisement that they would consent to no species of connection with the State. But the learned Sergeant must not attempt to get off by talking of a Committee. The party have made a charge against Lord Mulgrave, a charge which had never been brought against Orangemen, namely, that of excessive clemency. Yes! will it be believed, that it is imputed to the Lord-Lieutenant as a crime, that he has opened the prison doors. That is a proof of the way in which Lord Mulgrave is now assailed. Did the party, he would not call them Protestants, for many Protestants were his dear friends, but call them by their old name—did they ever interfere and set at liberty the wretches in gaol? Now, these charges were not made under excitement, for the hon. Gentleman had come over here with his well-tied parcel of papers to enable him to retail those charges. The hon. Member charged the Lord-Lieutenant with having interfered between some Orangemen and some unfortunate wretches who were in gaol, but could he impute any motive to that interference? Why he believed if inquiry were made it would be found that the greater number of persons set at liberty by Lord Mulgrave were Protestants and Orangemen. But the learned Sergeant had assailed a lady and imputed to her a share of the blame. Now, had the learned Gentleman attacked him, — had he coupled his name with that of Lord Mulgrave he should not have complained, on the contrary, he should have been proud to be associated with one whom he called the saviour of his country. He was the first Lord-Lieutenunt who had introduced impartial justice into Ireland, and on that account he called him the saviour of his country. Something of the same kind had been said by the learned Gentleman last night, and on that occasion he had taken the opportunity to make some facetious remarks. This case might be different from that, but if it were the same, it only proved the bad taste of the learned Gentleman in introducing the name of a lady on the same charge. The learned Gentleman proposes a Committee of Inquiry, but he knows it would be just as competent to propose a Committee of Inquiry for a common assault. If the charge was true, then Lord Mulgrave was guilty. The learned Gentleman said, he could prove three charges. If so, why not put himself in a train to prove them, and try the proof, but he durst not try. The learned Sergeant knew this too well; he had mentioned charges only to round sentences, but he did not dare to bring them forward. The learned Sergeant talked of the National Association being constituted for a variety of purposes. He would therefore tell him as he seemed not to know, what were the purposes of the Association. It had two objects; to obtain a proper Tithe Bill, and Municipal Reform, like that granted to England and Scotland.

These were the two points; for these it was instituted, and it was expressly declared that when these were obtained, the Association was to be immediately dissolved. It was said, that its object also was, to reform the House of Lords and obtain universal suffrage. Now though he believed these necessary for the salvation of the country, the Association had nothing to do with them. The party talked of improving Ireland, and obtaining their lost rights; but those who really aimed at these just and legitimate objects might judge what they meant by improvement and rights from their late conduct. A charge had been brought against the Association with regard to writs of rebellion issued by the Court of Exchequer. Now of whom was there the greatest reason to complain? The Lay Association had filed many Bills, and when answers were put in it was found that there was nothing to recover. The National Association had nothing to do with that. But something had been said about Mr. Tighe, and a charge had been made against the Association because a man of the name of Corboy, imprisoned in consequence of a rebellion writ, was actually fat, and comfortable, and well—and assisted by counsel and kept by the Association. Was that thought a crime? Did they never hear of James Dwyer, who was dying in gaol, who was mortally ill, and whom the physician of the Association said would certainly die, unless he were set at liberty. Under such circumstances, application was made to the plaintiff's counsel, and the prisoner was set at liberty. Oh, the learned Gentleman was sorry that Corboy had fared so well, but he should have followed up that case with the case of John Riley. Let the House only think of a man seized under a commission of rebellion, and so afflicted with disease that he was discharged by the horror of the court, after having been confined, for 10*s.* 6*d.* or 3*s.* 6*d.*, a year. But what did the charge amount to?—That we were guilty of feeding and clothing a man who perished in gaol, and was carried to his lodging a corpse. The men who did that charged the Association with feeding Corboy in prison. But the learned Sergeant had brought a charge against Mr. O'Loghlen, who was no longer there to defend himself, but was now in a situation to which his talents and his virtue had deservedly raised him. A charge has been made against Mr. O'Loghlen, and the learned Sergeant said he could prove it. He cannot prove it. The case referred to is the trial of a person for assisting a prisoner to escape; but who was the Attorney-General then? Not Mr. O'Loghlen, but Mr. Blackburne, whom the learned Gentleman had eulogised so much. What would Englishmen think of a man being put on his trial a second and a third time? and this was the second time that the learned Sergeant asserted that he had been proved by evidence to be guilty. The individual was still out on bail. Had Englishmen ever heard of anything like this in England? That was the way in which justice was administered in Ireland. A man was pronounced to be guilty, though he had been acquitted by three juries. Good God! what would become of the administration of justice, if such persons were to get power into their hands. These, however, were to be the judges in Ireland in case of the change of administration—men who declared a prisoner guilty though acquitted three times. The very judge said, if such a prisoner escaped neither life nor property would be safe. Why such a judge deserved to be impeached? The learned Gentleman denied that the asperity of religion or politics had been mixed up on such occasions. I protest against such an assertion, and I call on the learned Gentleman to come forward with a motion on which the question can be brought to issue, and I will second it. I can prove, that I have seen in the county fifty times, the Crown solicitor apologising for the course which he pursued, and stating, on being remonstrated with, that the prosecution had been taken out of his hands. I will pledge myself to prove, that such a case occurred in Limerick, when Mr. Barrington was solicitor for the Crown. But another charge made is, that the challenge by the Crown has been taken away by Mr. O'Loghlen. In former times the Crown was allowed to challenge to any extent, and when the number of jurors was exhausted the graver sages of the day allowed the sheriff to enlarge the panel. It has been stated, that Mr. O'Loghlen sent down an order to the assize courts to the effect that no person should be set aside by the Crown. Mr. O'Loghlen gave no such directions. The directions he gave were, that no man should be set aside on account of his religion. That system had been adopted in Queen's County and Carlow. In fact, the learned Gentleman wished to introduce the English system; while the learned Sergeant regretted that the practice of packing juries was falling into disuse, and distinctly showed what would be done in Ireland when he and his party came into power. If such be not the case, I shall be ready to apologise; but the learned Gentleman has been put forward, though he was ready enough of his own accord; and if his party do not disavow such sentiments, they must be regarded as their own. I do not ask mercy and compassion for the people of Ireland. If I did I know I should ask in vain. As one of the Representatives of the Irish people I shall demand justice for them. The hon. and learned Sergeant may sneer; it is a commodity he does not deal in. How can any assembly of rational persons taunt the Catholics of Ireland with inferiority to the Protestants? How can the hon. and learned Sergeant venture to abuse the loyal and patriotic Association which has been established in Ireland, to maintain the cause of that country, and to oppose bigotry and intolerance? It is true that that Association advocates the claims of the Catholics, for it advocates the welfare of Ireland. The hon. and learned Sergeant does not say anything in hostility to the Catholics; but he is a political hypocrite; he does that which he abstained from saying. Let him speak up; let him at once declare that the Catholics are not worthy of being placed on a footing with Protestants. Let him say "The law has pronounced them equal to the Protestants, but I pronounce them inferior." They have as good a right as any man now before me to full equality. Does the hon. and learned Member imagine that by abuse, they are likely to be changed from what is called bigotry and intolerance? I demand for the people of Ireland municipal reform, on the same principle that has already given Scotland and England municipal reform. Why did not the learned Sergeant grapple with that argument? I will tell him. Because he is a political hypocrite. Why did he not speak out? The learned Sergeant was quite consistent in not then grappling with the question—was always consistent—from the first moment he became secretary of the Kildare Society, and maintained the necessity of distributing the Bible without note or comment. Would that the learned Sergeant, had followed the same system in speaking of my letters! The learned Sergeant, in his consistency, had never declared himself one day in favour of Catholic Emancipation, and, again, when occasion offered, had professed himself to be against it, and a third time had veered about again, and opposed the measure. It could not be termed inconsistency in the learned Sergeant thus to try the merits and defects of every side of the question. But turning from the hon. and learned Sergeant to more weighty matters, I repeat that, as a Representative of Ireland, I stand here for justice; and I must not forget that the learned Sergeant is opposed to justice being so administered as to involve the notion of a partial exercise of clemency. What will the learned Gentleman say if I inform him that I have heard Mr. O'Loghlen declare that many instances had occurred in former times of a similar exercise of mercy? I suppose that the right hon. Recorder, for the title applicable to the Recorder must give place to that which honoured the privy councillor—could give his testimony on the point in question. The right hon. Gentleman has threatened to read my speeches. I give him leave to do so—full leave—until he is sick, and the House sick of hearing him. I will pledge myself to speak not a syllable in answer to the right hon. Gentleman. But, I must ask why am I inferior, on account of religion, to any Englishman of the Protestant persuasion? The hon. and learned Gentleman opposite has accused the Roman Catholics of endeavouring to subvert the Protestant religion, and raising their own into its place. Just as if the Roman Catholics could, by any possibility, take a single step derogatory or hostile to the Protestant religion without those Gentlemen at his side being the first to take the alarm, and offer a determined opposition. And yet, who will dare to say that the hon. Members around me are not as sincere Protestants, and as much attached to their religion as any hon. Gentleman opposite? They are just as sincere, but not altogether so sanctimonious. Would the people of Ireland tamely suffer any attempt to be made to subvert the Protestant religion? Would Scotland permit it? Would any persecution of Protestants, if such were intended, be for a moment tolerated? It is sheer nonsense to say so. When I see that Catholic constituencies return a majority of Protestants to Parliament I laugh at such wild assertions and those who make them. But I must again return to my often-repeated demand—how are Irishmen in Ireland inferior to Englishmen in England, or Scotchmen in Scotland? I require an answer. I have already trespassed at some length on the House. I do not intend following at length the rigmarole speech of the learned Sergeant. But I once more call on the people of England—on the House—on every Member of Parliament—to remember that one of two things is expected—either a repeal of the Union, or a full measure of justice to Ireland. Oh! what an argument of the learned Sergeant to say, that the two countries are not in the same equal condition, and that the Union ought not to be supposed to imply any such assimilation! Why, what is the Union, if it be not an identification of interests and an amalgation of the two countries? Was not Ireland to become by it, to use the language of Mr. Pitt, to be as much part of England as Yorkshire? There are many Gentlemen from Yorkshire present—I love a Yorkshireman. What would one of those Gentlemen say if an attempt was made to subjugate and keep down Yorkshire? The cases are perfectly similar. I do not mean to threaten; but as from the Union equality of rights and an amalgamation of the two countries were intended, and are now expected, I warn the House that if these expectations are deceived, the people of Ireland will be thrown back upon their rights and will be forced to seek justice for themselves. And as surely as that clock will point to noon to-morrow so surely will the Irish people persevere until they arrive at the full attainment of civil equality.

Mr. *Shaw* said, the charges made by the learned Member who had just sat down, against the hon. Member for Bandon, appeared perfectly unfounded. The hon. Member for Kilkenny had sneered at the hon. Sergeant's speech as being unanswerable. Certainly it had not been answered by him. He would first touch on the facts which had been stated, and then on the comments made by the hon. and learned Member for Kilkenny. That hon. Gentleman had accused the hon. Member for Bandon of having made gross personal attacks on persons of an unblemished character, and ranking high in their profession. For himself, he could assert that he heard none. All the assertions of the learned Sergeant had been made in a most proper spirit. To take the different cases brought forward, and to commence with that of Mr. Tighe. The learned Sergeant had made no attack on Mr. Tighe; but all he did was to ask whether that Gentleman, who, there was now no doubt, was a member of the Association, had not been appointed to a certain judicial office. In the case of Mr. Pigott, it had been shown that he had been appointed to a high situation under Government, where he was not only to be on occasions an adviser of the Crown, but was to be invested with considerable authority over the constabulary force; his office was, in fact, that of law adviser in the Secretary's office. Yet this Gentleman was known to be a warm partisan, to have been an active member of the National Association. What was complained of was, that every man in Ireland might doubt that a fair administration of justice could take place when the highest officers of the Crown were thus appointed. How could any man look with confidence on the Government when such appointments were so unheedingly made? The hon. and learned Member had spoken of an attack made on Mr. Cassidy, of James Town. He had not heard any such attack. The complaint was made against the Government for appointing a person to the commission of the peace, in the Queen's County, after the Lord-Lieutenant of the county had refused to forward his name to the Lord Chancellor. But this Gentleman was known as an exciter of agitation, and had been, in fact, convicted of what might be almost called a crime. Yet, notwithstanding this, the Lord-Lieutenant had appointed him as magistrate. If these were not the facts the hon. Member for the Queen's County could declare it; but, if they had been correctly stated, he would ask, was not the complaint against the Irish Government well founded? Then, as to the remarks asserted by the learned Member to have been made with so great a want of delicacy about a distinguished lady. He could only say, that he had not heard the slightest charge made against her. What were the facts? A trial took place against certain persons for riot. They were found guilty, and the presiding Judge sentenced them to different terms of punishment—one class to six months' imprisonment, and the others to a shorter period. Well, what occurred afterwards? Why, without any communication whatever to the learned Judge, the prisoners who had been sentenced to the longer period were, without any inquiry whatever, set at liberty by the Lord-Lieutenant. It was announced in the newspapers that these men were discharged, and the House would perhaps be surprised to hear that the learned Judge who had presided at the trial became acquainted with the fact through the medium above alluded to—he had received no intelligence from the Government. It appeared, then, that the Lord-Lieutenant, without inquiring into the case, or communicating with the Judge who tried it, discharged the prisoners at the request of a lady. The charge against the Lord-Lieutenant was not that he was too merciful, but (and a serious charge it was) that he had, in the exercise of his prerogatives, used them inconsistently with the peace of the country, and the proper administration of justice; and he would ask those Gentlemen who were acquainted with the manner in which judges discharged their duty on the circuits, whether it was consistent with the peace of the country, or the right execution of justice, to open the prison doors and let culprits loose without ceremony. Important as it was that no person should have his liberty infringed, or be committed to prison without going through all the forms which the pure administration of justice required, it was equally important that the dispensations of justice should be respected. God forbid that any objection should be made to the free exercise of the prerogative of mercy! He knew it was a delicate subject to interfere with; but then he was bound to say, from the instances which had been named by his hon. and learned Friend, that the prerogative of mercy had not been properly exercised, and that the proper administration of justice had been interrupted. Another charge was, that violent political partisans had been appointed to offices which enabled them to control the elective franchise. That was the case in reference to the appointment of Mr. Hudson to the office of Assistant Barrister of the County of Carlow. The case was this:—The person who filled the office of Assistant Barrister in the County of Carlow being removed, Lord Mulgrave appointed in his place Mr. Moody, a gentleman of high station in his profession. Before this gentleman were brought the votes which had been struck off by the Committee of the House of Commons, and Mr. Moody refused to register them. This decision caused much dissatisfaction amongst the partisans and supporters of the Liberal candidate, and it was roundly declared that, if such a line of conduct was continued, another Assistant Barrister should be found before next Session. His learned Friend near him assured him that he could prove that this threat had been uttered. The next Session, in pursuance of threat, or from some other cause, the gentleman alluded to was appointed in Mr. Moody's place, and absolutely changed the decisions made by the two preceding Assistant Barristers relative to the disputed votes. He would leave it to the House to draw an inference from these facts. A few days back he had read some remarks on the case in the *Freeman's Journal.* This paper praised the course which had been adopted by the agent of the Liberal party, of withdrawing the voters from the Court, and asserted that the Revising Barrister already alluded to was neither a judge of agricultural property nor a sound politician. This statement of facts warranted, he thought, the manner in which his learned Friend had spoken. The hon. and learned Gentleman opposite had challenged him to show why Irishmen were inferior to Englishmen and Scotchmen. The debate had taken a wide scope, although the motion of the noble Lord did not seem to lead to the anticipation that the whole of the affairs would necessarily be discussed; but in answer to that challenge he would say, that it was not fair to assume that the Gentlemen on his side of the House refused, or wished to refuse, the rights of any portion of his Majesty's subjects. All that they had said was, that they were willing, on the part of the ancient Corporations of Ireland, to give up all monopolies and exclusive privileges, but not to transfer them to the hands of an opposite party. They had never objected to the amelioration of the condition of the people of Ireland, or to the enjoyment of civil rights by all, or to anything that was necessary and just, but they had objected to the domination of a party. The noble Lord had said the new Corporations would promote good order and peace, while the hon. and learned Gentleman said they would become normal schools of agitation. They were objected to because it was intended to make them part of that system which was now in operation, and all events subsequent to the last Session, tended to strengthen the conviction that it was impossible to grant those popular assemblies without making them have the effect which had been stated. Figures of speech were sometimes dangerous things to deal with. The noble Lord had quoted a figure used by another noble Lord which was addressed to the Protestant Gentlemen of Ireland, telling them that the National General Association was the "spawn of their own wrong." Now the manner in which the noble Lord had treated that point seemed to go the length of justifying the whole of the proceedings of the Association. That such an Association was inconsistent with both the spirit and letter of the law his hon. Friend had already stated. Could any man doubt that the raising of contributions throughout the country in the manner it was done was inconsistent with the proper government and peace of the country? The hon. and learned Gentleman had stated that the Association had two objects in view, namely, to procure corporate reform and the abolition of tithes. But did he forget that although those two purposes were originally stated when the Association was first called into existence, yet, almost at the same instant, circulars were issued, and emissaries sent forth, under the name of pacificators, for the purpose of procuring petitions for corporate reform, abolition of tithes, and vote by ballot? The hon Gentleman had challenged him to read his speeches. He would first read an extract from a letter of the hon. Member's, dated the 27th of August, last year, and addressed to the *Spectator* newspaper. It was headed—

"JUSTICE TO IRELAND AND TO ENGLAND.

"No ministry ever had so glorious a career before them. Ireland, after more than six centuries of unmitigated oppression, is ready for conciliation, for union, for identification, with Britain. The first dawn of impartiality is the first exhibition of dutiful tranquillity. The great national question can, nay, must, now be decided—are the Irish people to be fellow-subjects, or are they to be—I will write it—enemies?

"Lord Melbourne may blot out the enmity for ever; he may make the Irish willing and most useful subjects. But for this purpose—and I joy that it should be so—he must satisfy the rational portion of the English people. He must content the English and Scotch Dissenters—they ask only for 'justice.' He must become the advocate of an increased and extended franchise. He must consent to shorten the duration of Parliament. He must not shrink from the ballot. Above all, he must prepare for the conflict with the Lords."

Did the noble Lord mean to say, that with these avowed views, the getting of corporate reform, or town-councils, or the getting a vote in this House for the appropriation of a non-existing surplus, would really satisfy the hon. and learned Gentleman? Did he mean to put those things forward as the only causes of suffering in Ireland, or the only remedies for the evils of Ireland, when within two nights he would make a statement, founded on the melancholy fact, that more than 2,000,000 of the people of Ireland were in a state of starvation? He would not, however, trench on that subject, but hoped that when it came before the House, it would be attended to properly and without any admixture of party spirit. As to the tranquillity which was said to exist in Ireland, he denied it. Every gazette and newspaper brought reports of numerous murders and outrages. But if it were admitted that, comparatively speaking, Ireland was tranquil to what it had been, was it promoted by the General Association? If so, could that be reckoned tranquillity which depended on the tyranny that dictated it for its existence, and which in a moment might be excited into furious tumult by the same power? Surely the noble Lord could not forget that he had formerly brought forward charges against the hon. and learned Gentleman for disturbing the peace of Ireland, and yet the hon. and learned Gentleman was still pursuing the same course, with all the patronage of the Government at command to boot. But because he had procured that patronage he came forward to assert that Ireland was tranquil, and, as long as the Government would so indulge him, he would praise them in return for their liberality. But was that state of things to continue? Would his Majesty's Ministers suffer themselves to be blinded in this way? Could they, if they looked at the past experience of Ireland, rest satisfied? Orangemen had been induced to part with what they valued very highly, and their leaders put themselves forward to the utmost of their power to put down the institution. But how had they been requited? In the very place of that institution, and on its very ruins, the General Association had sprung up. The hon. and learned Gentleman had expressed his readiness to accept of instalments, and the extinction of Orangeism had been called "a great blow" to the Church, and he believed that the hon. and learned Gentleman would never be content until he saw the entire subversion of the Protestant Church in Ireland. The Gentlemen on that (the Opposition) side of the House were willing to give up an ascendancy of one party, but they were equally unwilling to have it transferred to another party. He would next remind the House that twenty-seven gentlemen who had filled the office of High Sheriff had been superseded by the Lord-Lieutenant of Ireland without any reference to the judges. He would give them some specimens of how things were going on in Ireland, and he would ask the House to accompany the hon. and learned Member for Kilkenny, on a little tour he had made. The first case was that of Mr. O'Brien of Elm-vale, who presided at a dinner given to the Members for the County of Limerick. That dinner was thus described by the Limerick Paper—"Over the principal table was a beautiful transparency, from which a scroll depended, bearing the inscription 'Repeal of the Union,' 'Aboliton of Tithes,' and 'Vote by Ballot.'" In proposing the toast of "Old Ireland" the Chairman said, amongst other things, that "politics and religion had been alternately the cause and pretext of our national subjugation, and a rapacious oligarchy sustained, by a foreign power, has long oppressed a degraded and impoverished people." At such a banquet of course the Repeal of the Union was not forgotten, and the chairman in introducing the toast said "the Repeal of the Union had now become the war cry of the people, and its recognition, in principle and modification, the criterion of the popular candidate." This was the language of a gentleman who had been selected by the Government for the office of High Sheriff, and who had superseded three other gentlemen who had been duly nominated to fill that important office by the Judges of Assize. But to continue the tour of the hon. and learned Member for Kilkenny. The hon. and learned Gentleman had proceeded from one part of the country to the other, denouncing in his progress noblemen and gentlemen to whom he was politically opposed, in language that could not be mistaken. What had been the language he had used with reference to a nobleman whose name had already been mentioned—he meant the Marquess of Abercorn? Speaking of that nobleman, the hon. and learned Gentleman had said—"I tell him, that as a man, he is contemptible; as a human being, he is ludicrous; and as a peer, he derives his title and estates from the commission of the foulest crimes that can by possibility disgrace human nature." Now, he begged to ask the noble Lord opposite (Lord John Russell) if he did not blush for such a description of a connexion of his own? Would the noble Lord attempt to justify such language, applied as it was to a nobleman who resided on his property in Ireland dispensing his charities, and by his residence amongst them and by other means doing all in his power to alleviate the sufferings and relieve the wants of his impoverished fellow-countrymen? The hon. and learned Member next proceeded to Sligo, where again he held up to scorn and derision all the respectable gentry of that county who were his political opponents; and he concluded his tour by a visit to Carlow. As some proof of the state of Ireland and of the justice of the complaints of the Protestants of that country, he (Mr. Shaw) entreated the House to listen to the language to which the hon. and learned Gentleman then gave utterance. He quoted from the *Dublin Morning Register*, a newspaper possessing the patronage of the hon. and learned Gentleman himself. The report stated the purport of the inscriptions which adorned the room. Amongst them were—"Remember your Souls and Liberties;" "Vote by Ballot;" "Reform of the House of Lords;" "No Savage Representatives." The hon. and learned Gentleman, in the course of his speech on that occasion, said, "My friend, the chairman, alluding to the Conservative festival held in this town yesterday, talked of respectability. What does my valued friend mean by respectability? They (alluding to the Conservatives) may have the respectability of the hogget or the ox that fatten on the land; but they are as stupid as they are malignant, and they are as ugly as they are contemptible. Are they respectable for their virtues or acquirements, their humanity or their patriotism? No, they are cruel, unrelenting and perfidious tyrants; their consolation is the widow's tear, shed amid the ruin of desolated villages, and their music is the scream of the orphan and the groans of the expiring victim. Like the ghoul of the Eastern tale, they live and delight upon sucking out the warm heart's-blood, while life is still in vigour, and reducing their victims to the grave, before the chill of years or the course of natural events carries them away. They love the wail of famishing children and the agony of ruined and agonized parents. Let us get some proper term by which we can describe them. [Some one here cried out "Savages."] Yes, resumed the hon. and learned Gentleman, an appropriate term; but, though, it is somewhat too mild, for savages have more of the natural instincts and sympathies of nature, and know nothing of the refined cruelties of such bloodthirsty blockheads."

Mr. *Roebuck* rose to order. The question before the House was for leave to bring in a Bill to regulate the Municipal Corporations in Ireland, and he wished to know from the right hon. Gentleman in the chair whether it was in order on that question to discuss any speech that might have been made by a Member of this House at a public dinner on matters not coming in any way within the scope of the question now before it.

Sir *G. Clerk* wished to call the attention of the hon. and learned Member for Bath, not to the terms of the motion in the hands of the chair, but to what had fallen from the noble Lord, the representative of his Majesty's Government in that House. The noble Lord stated, that if the motion he proposed was the mere subject of the debate, he could not suppose the discussion would be long, but he rejoiced in this opportunity of discussing the whole course of the present Government in Ireland. The noble Lord, at great length, had justified the whole conduct of the Irish Government, and went into the whole political state of Ireland. Now, when the noble Lord was met on his own ground—when he found that the debate did not turn out so convenient or agreeable as he anticipated—[*Order, order.*]

The *Speaker* said, that the question before the House strictly related to the motion of the noble Lord for leave to bring in a Bill on the subject of Municipal Corporations in Ireland, yet that subject had certainly been debated in connexion with the whole state and condition of Ireland, and therefore he (the Speaker) was not prepared, in answer to the question of the hon. and learned Member for Bath, to say that the explanations of the right hon. and learned Gentleman were out of order.

Mr. *Shaw* rejoiced to learn from the Chair that he was in order. The noble Lord opposite had challenged his side of the House to make out a case or ground of complaint on behalf of the Protestants of Ireland, and it was in answer to that challenge that his observations were directed. The hon. and learned Member for Kilkenny at the Carlow dinner proceeded (after the quotation he had already read) as follows:—"They have an unholy eminence and bad notoriety; but it is like the lurid glow which is said to belong to those demons of hell of a higher order, and marks them out above their satanic compeers. Well, you have all this on one side; you have the 10*l.* voters on the other. Give me those honest men who remembered their souls and liberty." Let the House remember that the soul and its accountability were awful considerations in connexion with such sentiments; and as to liberty the word might fall desecrated from the lips which uttered it, ut its spirit could not animate the mind that conceived such expressions. Such was the language applied to the living; but the hon. and learned Gentleman was with it not satisfied, and thus spoke of the dead—even on the very day on which the death of Mr. Kavanagh was known in Carlow—[Mr. *O'Connell:* It was not until the next day.] The words used, showed it to have been the very day. The observations began—"Poor old Kavanagh—alas! poor Kavanagh;" but the spirit in which these words were uttered was shown by the effect they created — they produced merriment and laughter. But the hon. and learned Gentleman then proceeded thus:—"Poor old Kavanagh! alas, poor old Kavanagh! If he had not made the fatal alliances he did, one would be glad that he would sink into his grave in that peaceful obscurity in which, for his own sake, he ought to have remained, and not have the dead cats and dogs of the neighbourhood thrown into it along with him." This was applied to an individual, who, the hon. and learned Member himself had admitted, had been a kind landlord and a generous benefactor to his poor neighbours. Mr. Kavanagh was no Sassenach, but was the descendant of an old line of Irish kings; the language was spoken while he was lying a breathless corpse in the midst of his bereaved family—language applied by one Irishman to another; and yet the House and the Country were to be told that an English nobleman was to be condemned for designating those who uttered such sentiments as aliens in feeling, in language, in sentiments; and that for such an expression of opinion the standard of rebellion was to be unfurled in Ireland, and that country again deluged in blood. But in this case, at least, the unfeeling suggestion with respect to the late Mr. Kavanagh failed, and that honoured old man was followed by his Roman Catholic tenantry and neighbours with all becoming respect and sorrow to his grave. The hon. and learned Member for Kilkenny then proceeded, in the speech in question, to allude to Colonel Bruen. With respect to this, what said the reporter for the hon. and learned Gentleman's own paper. After giving a long tirade the reporter said, "The hon. and learned Gentleman continued to animadvert on the hon. and gallant Colonel in a manner which, as long as truth is libel, it would be unsafe to publish." Now, Colonel Bruen lived in the neighbourhood of the very spot in which this speech was delivered, and he would suppose, for a moment, that the deluded men to whom that speech was addressed, had proceeded to his house, and, goaded by the language so described by the reporter, had attacked the house of Colonel Bruen—who was as brave as he was the object of malignity—and, perhaps, have taken his life. In such a case, he presumed that the people of England would be told that justice was fairly administered in Ireland, because the deluded actors in this outrage were punished, and perhaps executed; but he would appeal to that House and to the country, and ask who, in point of moral guilt, would be the real culprit? The hon. and learned Gentleman next spoke of a dissolution, and proceeded to say, that "he hoped soon to see Carlow rescued from the grinding tyranny which oppressed it. Ireland would avenge herself by constitutional means, and if those means failed, and the base faction had recourse to physical force, he did not dread the result—the result should be wiped out with blood." The hon. and learned Gentleman had questioned the accuracy of this allusion to blood, but he found in the *Kilkenny Journal*, a paper in which he said, he would correct his own speech, the following words:—"They shall find the people of Ireland are no cowards. Oh! the insult must be wiped off in blood, if they do not make reparation for it by doing us justice." This formed the conclusion of his speech as reported in his own paper, and was not so strong as others which he had seen. What followed this speech? He begged pardon of the noble Lord, the Secretary for Ireland, for naming it. Why, the next toast proposed was the "Health of Lord Morpeth," with three times three. After that the right rev. Dr. Nolan, the Roman Catholic bishop of the diocese, who was present, and had heard the words which he had quoted, addressed the meeting, and here were his words: he said, "Mr. O'Connell, I will venture to say, is a man raised by God to work out the regeneration of his country, and we (that is the Roman Catholic bishops and clergy of Ireland) pray God to direct him and to bless his efforts." He (Mr. Shaw) did not object to these expressions taken by themselves, but his objection to them arose when put in immediate connexion with the speech just before delivered by the hon. and learned Member for Kilkenny. That speech had, however, been noticed by some of the leading gentry of the county of Carlow, who called on the Irish Government for an investigation. Did that investigation ever take place? About that time, it was true, a meeting took place between the Attorney-General for Ireland and the Lord-Lieutenant; but at that meeting who was the principal guest? Why, the individual who had made use of the very words complained of. He asked the noble Lord, did the Irish Government investigate the matter: he would further ask him if they dared, even if the language went further, or was twice as bad, did the Irish Government dare to enter upon such an investigation? If the noble Lord answered in the negative, then he (Mr. Shaw) must contend that the Protestants of Ireland had made out their case, and had shown that neither their property, their persons, their lives, nor their liberties, were safe in that country. Now, the hon. and learned Member for Kilkenny had thrown dust in the eyes of the Government by leading them to suppose that he had abandoned the question of the repeal of the Union. He would recall to their attention the hon. and learned Member's opinions on that head. He held in his hand the copy of a letter written by the hon. and learned Member, and read by Mr. Dwyer, to the Political

Association of Dublin. It was dated the 15th May, 1832, and in it he found the following passages. "It is my solemn, conscientious, unaltered, and unalterable opinion that Ireland cannot prosper without a repeal of the legislative Union." Again, in the same letter, the hon. and learned Gentleman said, "I never did, I never will, I never can, abandon my anxious desire for the repeal of the Union. This is a subject on which I have pledged myself, and I solemnly and deliberately repeat the pledge to the people of Ireland." Again, in a speech delivered by the hon. and learned Gentleman, on his return from Dublin, on the 3rd of January, 1833, he said, "I never submitted to the Union, because, even when agitating for emancipation, I said I only used it as a means to an end, and that end was a repeal of the Union." The hon. and learned Gentleman then alluded to a voluntary oath he had taken never to be conciliated to the Ministry while the Catholics were unemancipated, and he continued thus: "I kept my oath, though in the lightness of my heart I then took an unnecessary oath, yet I have no hesitation now in saying that I will never enter into any compromise with the Ministry till I see a Parliament in College-green." Again, in a speech delivered by the hon. and learned Gentleman, on the 7th January, 1833, he spok thus,—"They say that I am timid—timid because I do not choose to violate the command of the Almighty, but let me see the Union repealed, and a foreign foe dare to put his foot upon our soil, with

"Our green flag fluttering o'er us,
The friends we've tried
There by my side,
And the foes we hate before us."

Let me see, I say, a foreign nation attack us, and though I wish to have Ireland connected with England by the golden link of the Crown, yet, if Ireland were invaded, not a heart would beat more strongly, nor an eye more brightly glisten in the contest." Connected by the golden link of the Crown! That would be as but a silken thread in the hands of the arbitrary dictator, who professed such respect for it. The people of England might rest assured that if the countries were to be united, it must be by holier bonds, by a sacred chain, the links of which took their strength from above, and received their lustre from that day-spring on high which shone in the true Protestant faith, that had rendered England unrivalled amongst the nations of the earth, and without which Ireland would never continue a portion of the British empire.

Lord *Clements* said, he would try to bring the House back to the question before it, and from which so great a departure had been made in the course of the debate which had taken place. The question before the House was the present state and condition of Ireland. The hon. and learned Sergeant opposite had urged the existence of the National Association of Dublin, as being dangerous to the peace of the country; he had attributed partiality in judicial appointments, and various other things to the Irish Government as at present constituted, but he had avoided one fact well worthy the consideration of the House and the country, namely,—that Ireland was now more tranquil and peaceful than she had ever been at any period of our history. If that peace had been brought about by any unfair leaning against the Protestants, he would be the last man to attempt to vindicate the Government. He stood there himself a Protestant of Ireland, and as a Protestant he claimed to be heard, having been expressly excluded from the recent Protestant Meeting in Dublin. The hon. and learned Sergeant had endeavoured to create an alarm among certain Irish Peers, by asking whether the course pursued by the Government was not calculated to weaken the rights of property. He had asked noble Lords if they were not afraid of their acres. The appeal had been answered by the declaration and protest, signed by the great body of Irish Peers and Members of Parliament, in which they stated they were convinced the policy of the present Government was the safeguard of property in Ireland. The thing which provoked hon. Members on the opposite benches was, that Ireland should be tranquil without their assistance. He rested on that point, and would tell them, that since Lord Mulgrave had presided over the destinies of Ireland, that country was more quiet than their Whiteboy regulation ever could have made her. It had been attempted to be shown that a connexion existed between the Government and the Association. He admitted, that the majority of the people of Ireland were desirous of organic changes. Considering their state and condition, that desire was only natural, and so it would seem, thought the right hon. Baronet, the Member for Tamworth, whose speech at Glasgow he had read with great pleasure. The right hon. Baronet said, that the existing state of affairs in England and Scotland was so very preferable to that of other parts, that he was most anxious to maintain it without organic changes. The right hon. Baronet was, however, silent as to Ireland, and though he called on Scotland to sing a political "auld lang syne," he did not invite Ireland to join in it. It was the state of Ireland that induced its population to call for vote by ballot, reform of the House of Lords, or for anything else that they thought would relieve them from the condition in which they were placed. With respect to the National Association, he (Lord Clements) admitted that it combined some individuals whose views with respect to the Irish Church went much further than he would go; but still the question of tithes required settlement. Among them was Mr. Cassidy, whose name had been mentioned in the course of the present discussion. He was not acquainted with that Gentleman, but he knew that besides being a large landed proprietor in fee simple, he was a very extensive grazier; and the evils of the tithe system on the graziers was so great, that he was sure the same class in this country if so burthened would not endure it. Mr. Cassidy's views, then, had reference to this burden, and not to politics. Let the House but compare the Irish with the English tithe composition act, and they would see that Mr. Cassidy and the Irish graziers had been treated unlike the graziers of this country, and with but rough justice. He considered the meetings of the National Association to have been highly beneficial to Ireland, by keeping in view those great points to which it was especially necessary that attention should be directed, and the members of that body had acted in a manner which he was confident many English gentlemen would be proud to imitate in the same circumstances. There was only one point more on which he would trouble the House. A charge had been brought against the Lord-Lieutenant for being too lenient in the exercise of the prerogative of mercy by discharging prisoners. It happened that he (Lord Clements) lived in the adjoining county to that in which this prerogative had been exercised; and all that he could testify to was, that having been accidentally present on the occasion, that though the cases were not referred to the learned Judges, yet the persons discharged from prison appeared to be individuals confined for the shortest periods, and who had been guilty of the smallest offences. He did not agree in the opinion that the acts of mercy which the Lord-Lieutenant had exercised while going through the country as the representative of Majesty tended at all to diminish the respect which the people had paid to the law since that time. On the contrary, he thought it had had a beneficial effect. It was not a progress of mere useless parade. Great want was prevailing in the north-western counties, and the Lord-Lieutenant went his tour from the most humane and proper motives. It was a tour that would reflect credit on the Lord-Lieutenant, and which he undertook at great personal inconvenience. In conclusion he would assure the House that as a Protestant of Ireland, whose family resided in that country, and as being connected with the Protestant interests, and as representing a large Irish Protestant constituency, it was his firm conviction that he should do wrong if he did not give his honest and cordial support to a Government, whose administration had given a greater degree of peace to his country than that of any other Government that had presided over it.

Mr. *Roebuck* humbly submitted to those who preceded him, at least to some of them, that there might have been a more useful way of conducting this discussion than that which they had pursued. It seemed to him that the bandying about from one side of the House to the other expressions that would not have been suffered elsewhere, did not conduce to the dignity of the House, or to the respect which the people out of doors ought to feel towards it. It seemed to him that, standing as they did in the high character of the representatives of a great nation, they ought to conduct their deliberations with that calmness, soberness, and decorum that would gain them the respect of all reasonable and respectable men. It appeared to him that the tone and manner—he said it under all correction—that the manner and tone of Gentlemen, particularly belonging to Ireland, had been to-night, and to-night was not a solitary instance of such a nature—judging with the feelings of an Englishman who had not mixed much with Irishmen—

were likely to create anything but respect. It could do no service to any body inthat House or elsewhere to indulge in a species —he was going to use a term but he would not use it of "improper vituperation." It seemed to him that the object the House had before them was to consider the general conduct of the Irish Government; to know whether that conduct had been such as was conducive to the general interests of both countries—England and Ireland; and he had seen and heard, with some astonishment, that when that was the matter to be discussed—and a more grave and serious one could not be submitted even to that assembly—persons come forward and bring evidence respecting words used, and matters discussed by an individual who had a place in that House, and, he must allow, great power in Ireland; but which words were used upon an occasion not connected with the conduct of the Government which was the subject they were at present called upon to discuss. Those were matters respecting which it was for the hon. and learned Member himself to decide; it was for his own taste and his own understanding to determine what was due to his own character, and the character of those whom he addressed. He was not called upon in that House to give an opinion about those words, if it were true that they were spoken; and, not being called upon to give an opinion about those words, he wanted to know why he had been compelled to hear them. It was time lost, in the first place, and he must at the same time say it was not very agreeable to his feelings. He did not think when he came to take his seat in that House that it was to hear every extraneous thing which Gentlemen might be inclined to utter. He thought he came there to discuss a question respecting the Municipal Corporations of Ireland. He must, however, charge it somewhat (for he would be impartial) upon the noble Lord himself for having introduced this very general discussion. That noble Lord would have consulted the best interests of the Government if he had allowed the attack to come from the other party. Why should the noble Lord have taken notice of any resolutions that might have been passed by any body which were not directly before the House? Why should the House go out of its way to notice Resolutions that a small minority of the people had thought proper to pass? He, thought, therefore, the noble Lord was somewhat to blame in this; at the same time he must acknowledge that there was a temper and tone in the speech of the noble Lord far different from what pervaded the speeches of those who had succeeded him. He did not mean to say, that anything had fallen from te noble Lord which could come under the censure that he should wish the House to pass upon what followed. What, he would ask, was the value of all that they had heard tonight? They had had four long mortal hours entirely wasted. [An *hon. Member*, six.] No; he would not say six, because some particular speeches or parts of speeches that he had heard did not fall under the same category. He, however, wanted to know the value of the argument that had been addressed to the House? He wished to strip it from all extraneous adjuncts—from all rhetorical flourishes—which, however well they might be suited to other audiences, were not proper to be recognized by such an assembly as this. The hon. and learned Sergeant had accused the hon. and learned Member for Kilkenny of having used certain expressions, at various times, of a very violent nature, and therefore, that House was to legislate for Ireland in a manner different from what it did for any other part of the empire. The argument of the learned Sergeant was, that because the hon. and learned Member for Kilkenny had been violent, rude, coarse in the epithets he had employed, they were therefore to deny to the people of Ireland those municipal rights which they had already given to England and to Scotland. That was the argument of the hon. Gentleman opposite, and he wanted the world to understand the value of this species of declamation, if indeed he might give it even that term. Bad as he considered it, what was the value of that declamation? That this said six millions of people, whose happiness, whose Government, all that was dear to them, was derived from the good administration of their local affairs, were to be dependent upon the taste and judgment of a single individual. That was the whole and sole substance of the four long hours of dull declamation that they had been doomed to listen to. He wanted to know, if he were in the same situation as the people of Ireland, what he should think of any man coming into this House and desiring the whole

Commons of England to determine that he should be deprived of his municipal rights—rights that were requisite for his happiness and contentment through life—upon the assertion of the right hon. Recorder and learned Sergeant, that there was a learned Gentleman in this House who had indulged, the greater part of his life, in violent expressions, and given vent at various times to very contradictory opinions? Now, supposing that the hon. and learned Member for Kilkenny had done what he (Mr. Roebuck) charged every political man that he had ever heard of, either in Ireland or England, with doing, that of never entirely and completely stating the whole of his intentions; for he made it a charge against political men generally that they were advocates, that they stated only one side of the question, and were constantly saying to-day what they meant to unsay to-morrow. He heard Gentlemen on the other side of the House cheer, as if they were free from the imputation. Good God! He could, if the time were fitting, go through the life of every political man that he saw upon that bench, and show that every one of them had been inconsistent with their own declarations. But supposing all this, and that the same charge was justly made against the hon. and learned Member for Kilkenny, was it a valid argument to tell his constituents that he had endeavoured to persuade the Commons of England to deprive them of their political rights? Suppose, by way of illustration, the right hon. Baronet, the Member for Tamworth, had ever changed his opinions, or that the right hon. Baronet, the Member for Cumberland, had changed his opinions, or that the noble Lord who had sat between these two right hon. Baronets had changed his opinions—suppose all these extraordinary things, would that, he asked, after having passed the Reform Bill, justify him in saying to the House of Commons, "Here are three distinguished men in the Government of the country, who have most distinctly said ay to-day and no to-morrow, and, therefore, I call upon you not to give to the people of England the power of governing themselves or their Municipal Corporations." He wanted to know what the people of England would say to that species of argument? He could not tell what the people of Ireland would think. It had been said to-night, by two learned Gentlemen on the other side of the House, who represented as they declared, a large body of the Irish people, that the people of Ireland were unfit for Municipal Corporations. If they were unfit for Municipal Corporations, he could only say, that it was because they were so much like those two hon. and learned Gentlemen. But he wished to lay it down as a general rule, that the people of Ireland and the people of England, and the people of Scotland, were all equally worthy of the right and of the duty of self-government. And he charged the Gentlemen opposite, notwithstanding that Englishmen were worthy of self-government, Scotchmen were worthy of self-government, but that they knew their own countrymen so well, that, being Irishmen, they knew that the Irish people were not fitted to be intrusted with the rights and duties of citizens. The hon. and learned Sergeant had said, that this was the first time that that argument had been used, and that it was first stated by the noble Lord who opened this debate. Why, so far from that being the case, the very same argument was made the ground, and the only ground, of opposition to the measure of last year. It was most distinctly stated by the noble Lord, the Member for Lancashire. [Lord *Stanley:* I never stated anything of the kind.] He begged the noble Lord's pardon; he did not wish to impute to the noble Lord anything which he had not said, but, as far as his recollection went, he could assert that he had heard the noble Lord state distinctly in this House, that the people of Ireland were in that condition, that they were separated into parties by their peculiar religious feelings, that they could not be intrusted with municipal corporate rights. That was the whole tenor of the argumentation of the other side of the House. It was on that ground that they sought to cut down, to spoil and ruin, the measure in this House by piecemeal. They took that course in order to persuade his Majesty's Ministers; and in passing, he would state, that he thought his Majesty's Ministers were too easily persuaded by that side of the House to cut down that Bill, on the ground and understanding which was always put forward by them, that there were peculiarities in the Irish people that unfitted them for self-government. That was the fair way of stating the argument. Now he wished to call the attention of both sides of the House, more particularly the attention of the liberal Members, to this fact, that the hon. Members opposite distinctly stated that the people of Ireland were not worthy of self-government. That was their principle. [“*No, no!*” *from the Opposition.*] Ay, but it was so. He wished to state the naked truth, but even the naked truth of their own opinions was not agreeable to them. So apt were they to dress them up, that when they came in an unadorned shape before them they could not recognise them as their own. Now he would assert that the principle upon which he and those on his side of the House went was, that the people of Ireland were not distinguishable from the people of England or of Scotland, and that they were fitted for self-government. These principles were as light and darkness. As they approached nearer towards the one, so they receded from the other; and he intreated his Majesty's Ministers not to lend too easy an ear to the suggestions that might be brought forward by hon. Gentlemen on the other side of the House, to militate against the great principle, which had been to-night recognised by the speech of the noble Lord. He must say, it had given him great pleasure to hear all those principles with which he commenced and ended his speech. But there was a lurking suspicion, a doubt, a hesitation in his mind that those wide and sometimes vague generalities were accompanied with a fatal tendency to listen to the suggestions coming from parties who on this question were wholly irreconcileable opponents, that attempts would be made to conciliate those who could not be conciliated, and that for the purpose of pleasing hon. Gentlemen opposite, the House would be called upon to cut down, alter, mutilate, ruin, and utterly destroy, the value of this Bill. He thought this had been too much the case last year; and he was sorry to hear that the noble Lord had not enlarged his Bill—that he had not embraced within it the whole of the Irish people, and so have gained, by one grand stroke, their hearts, their wishes, and their support, and had trusted to the good sense of England and of Scotland for maintaining him and his colleagues in that position in which they now stood, based as they then would have been upon a great and glorious principle of legislation. What he wanted them to do was, to carry out the great principle of self-government, and not to yield one jot to the Gentlemen opposite, who declared that the people of Ireland were not worthy of self-government. If the Ministers must listen to suggestions, he would just hint that they should listen to the suggestions of their friends, and not of their enemies. He was, however, too well grounded by experience in stating this his hesitation and doubts, which he did openly. He feared there was too great a leaning on their part to listen to the suggestions from the opposite benches, while they turned a deaf ear and a cold shoulder to their friends. He begged to press it on their minds, if they wished to continue Ministers, that this great principle of theirs—namely, that the people were worthy of self-government—was their main stay and support, and that every step they made in carrying out that great and glorious principle of legislation was a step to ensure and strengthen their own power, and that every single inch which they yielded to false and dangerous suggestions, coming from the opposite bench, weakened their dominion, by destroying the confidence of the people in them. He wished them to understand, and he wished the people of England fairly to understand, that the two parties in the State were now at issue with respect to the whole Irish people upon the principle which distinguished that party to which the hon. Gentleman opposite belonged from what he would call the real democracy of England. The opposite party declared, that the people were not worthy of self-government; he as firmly declared that they were. They were at issue upon the question of Ireland—that, however, was but one great instance of the manifestations of the two contending principles. The Irish Municipal Corporations were the subject matter, but the principle of democracy was the thing that was really involved. Every suggestion, therefore, that came from the other side of the House would come only with a motive to destroy the people's political rights; every word of theirs ought to be listened to with caution. He would beg and intreat his Majesty's Ministers, if they were sincere in the many declarations they had made concerning the good government of Ireland, and concerning the good government of England, not in any way to abate one jot or one iota of the Bill now brought in. Let them enlarge it if they would, and make it what it ought to be; send it through that House; send it up to the other; and then, if the noble Lord would say that his Ministry was dependent upon the fate of that Bill, he was not fearful of the result. He, for one, would be a sanguine combatant in favour of that great principle. He was willing to fight the opponents of it foot to foot before the unshrinking strength of the prudent, honest, generous people of England. To the people of England he would trust the issue of this grand and high debate; to them he would leave its ultimate determination, and certain he was, that the victory would be with the right — with those who were fighting in that House for the real, right, clear, and definite rule, that the people of Great Britain and Ireland were worthy to be their own governors. Let no man say, that that was not the principle at issue; it might be covered over for the moment by the astute and learned ingenuity of others—it might be carped and cavilled at, but that was the real principle before them which the representatives of the people must decide.

Colonel *Conolly* having moved the 13th resolution, at the meeting alluded to by the noble Lord opposite, felt himself bound to state his reasons for so doing. That meeting was assembled for the purpose of seeking redress by appeals to the proper powers, and the noble Lord in animadverting on the meeting, only stated what suited his own purposes. This was not generous in the noble Lord, who ought to have read the entire resolutions. The meeting of Protestants was called forth by the sense of injury, and their object was to petition for redress. That would be seen from the resolutions, and he was prepared to prove every assertion made in them. The meeting was called exclusive, but it was not so exclusive as the conduct of Ministers, who placed every engine of Government at the foot of the man whom they formerly reviled and derided. The abuse of patronage which had taken place could be proved in the case of Mr. Gibson, whose sole object appeared to be, to vitiate votes on one side. On the authority of a magistrate—["*Name!*"]—he would be prepared to give the name when a committee of investigation was granted; and, after the observations made by the noble Lord, Government were bound to grant a committee. On the authority of a magistrate, he could prove the scandalous partiality of Mr. Gibson, with respect to the patronage which had been complained of; the case of Mr. Fogarty was another instance of the same headlong hurry in registering those who, by no distortion of the Act, would be entitled to a vote. The case of Mr. Reynolds also, was a very flagrant one. He was convicted the year before his second incarceration; and yet, on his liberation, he was found at the head of a mob, haranguing in Coburg Gardens. In defiance of the Judge who tried and sentenced him he was, however, discharged from Kilmainham prison, by the Lord-Lieutenant of Ireland, in a manner every way offensive to justice and law. With respect to M'Gahan's case, the facts were not dissimilar: indeed, like the last, they were very extraordinary. M'Gahan was tried for exciting tumult and riot, at the head of a mob of people, before a large bench of magistrates, at the quarter-sessions, and convicted. Sentence was passed on him accordingly, and he was committed to prison. But his brother memorialised the Lord-Lieutenant, and he was at once liberated by that nobleman. The course of law in Ireland was rendered ridiculous by such proceedings, which could not fail, in the long run, to be destructive of all order. The constitution of the magistracy was another subject, on which there was much to complain of the Irish Government. There was the case of Mr. Cassidy on record in proof of it. That Gentleman had headed a mob in resistance to the levy of a county cess in the Queen's County; for which he was convicted by the bench of magistrates. Yet he was one of those named by the Government to the magistracy. Lord de Vesey objected to the appointment of such a person so very strongly, that they were obliged to forego their intentions; but still that did not extenuate the charge against them; and when he was out of the way, Mr. Cassidy was placed on the bench. There was another case in the same county, of a similar character. A person named Dunn, who had violated the peace—who had, at the head of a large mob, threatened a Mr. Cooper, a magistrate—was, in despite of the remonstrances of Lord de Vesey, who objected to him on the grounds that he had to Mr. Cassidy, also appointed to the magistracy. These were things not to be lightly passed over. With respect to the great Protestant meeting in Dublin, in which he took part, he was ready to bear the blame, as well as to share the praise of it. It was called for by the situation of the country—it was well-timed

—and the power it had was clearly exhibited in the illiberal, intolerant, and ignorant protest entered against its proceedings. Those truly liberal Peers, who took part in it, and by so doing asserted the right of British subjects to petition for the redress of grievances, deserved well of the country, for calling the attention of the Legislature to the circumstances in which it was placed at that juncture—circumstances subversive of the peace, order, property, and stability of that portion of the empire.

Mr. *O'Conor* deprecated the attacks on private character which had been so unsparingly indulged in during the debate on the question before the House. The hon. and gallant Member, who last spoke, had assailed the character of Mr. Gibson. Mr. Gibson was a private friend of his, and from his own knowledge of him, he should have no hesitation in saying, that the hon. and gallant Member must have been misinformed in what he stated respecting him. The hon. Member had also seemed to doubt the declaration of the noble Lord who spoke last, respecting the impossibility of procuring admission to the Protestant meeting in Dublin: but he had been informed, that no one was permitted to be present, unless he signed a document, purporting to be his adhesion or conformity with the principles to be there promulgated. With regard to the National Association, he felt bound to say, that he regretted its existence—but he regretted more the cause which had created it. That cause was, the denial of their just rights to the people of Ireland. In connexion with the fact of his becoming a member of it, he was free to say, that he did so because he knew the country was excited on the subject of that denial, and because he believed it would afford the only safe vent for the ebullition of the angry feelings of the people. They were charged with being agitators. The Tories were the great agitators. They withheld justice until it was extorted from them; and only yielded their rights to the people when they could no longer retain them. That was the case with Catholic Emancipation. In withholding that, until it was forced from them by the threatening combination of an entire people, they had shown them, that when they required redress, they should not stand on their right to it, but on their power to compel it: and that to obtain it they should appeal, not to their sense of justice, but to their sense of danger. He would ask, now that Catholic Emancipation made all equal, why was an attempt made to impose the brand of degradation on the people of Ireland still? Why was the spirit of the penal code brought into operation, when its letter was effaced from the statute-book? Was it not in the spirit of the penal code to deny corporate reform to them? Was it anything else, indeed, but persecution? It might, he was aware, be said, that these institutions were founded for the extension and support of the Protestant religion, and that, therefore, they should be still maintained for the furtherance of that purpose; but had it extended itself under their influence—had it increased by their support? The returns of the population of both religious denominations proved the direct contrary; for the Catholics had, in many places, increased more than tenfold. But it was unjust to suppose that, even if they were for that purpose, that the Catholics would avail themselves of their reform, to the injury of Protestantism. When he saw all over Ireland, but especially in his own most Catholic district in that country, the men the Catholics had elected to serve in Parliament—an almost equal number being Protestants and Catholics—he could not avoid coming to the distinct conclusion that were they in possession of the minor rights of corporate election, they would employ them altogether as unobjectionably. For these reasons, he was of opinion, that corporate reform in Ireland should be granted without delay; and that no obstruction should be thrown in its course in either branch of the Legislature. With respect to the policy of the present Government towards Ireland, he could only join in echoing the testimony borne on his side of the House, to the zeal, firmness, temperance, and vigour with which the Lord-Lieutenant of that country discharged the arduous and important duties of his high office. His personal demeanour, and equitable administration, had contributed more to the tranquillity which Ireland now enjoyed, than could all the Coercion Bills which were ever passed.

Debate adjourned.

HOUSE OF COMMONS,

Wednesday, February 8, 1837.

MINUTES.] Petitions presented. By several Hon. MEMBERS, from various places, for the Abolition of Church Rates.—By Mr. ROBERT PALMER, from Tilehurst and Theale, against Abolition of Church Rates.—By Colonel Thomas, from Dundenour, Tissassin, and Clontead, for Amendment of Grand Juries' (Ireland) Act.—By Mr. Dillon Browne, from various places, for Reform of Municipal Corporations (Ireland); and from Killedeen, for Abolition of Tithes (Ireland).—By Admiral Adam, from Clackmannan, for complaining of the creation of Fictitious Votes (Scotland).

Municipal Corporations (Ireland).—Adjourned Debate.] The Order of the Day for resuming the adjourned debate on the Municipal Corporations Bill was read.

Mr. *Dillon Browne* said, that the question at issue was, whether the Irish were to be considered British subjects or not—whether they were to be stamped as inferior to Englishmen—whether they were to be trampled on and insulted. In what he meant to say on the subject he should make no personal observations, but should follow the course pursued by the hon. Member for Bath, whom he had heard with great delight. He should not take example by the hon and learned Member for Bandon; neither should he adopt that held out by the right hon. Member for the University of Dublin; and, above all, he should not be influenced by that of the hon. and gallant Member for Donegal, who, with a delicacy not to be equalled, held up Mr. Hudson to the odium of the House on a charge affecting his character as a professional man and a gentleman, while he declined to disclose the name of the magistrate on whose authority he made the allegation against him. The real question before the House was, whether corporate reform was to be refused to Ireland or not? What plea had the opponents of the Irish people to withhold it? He was aware that it had been urged over and over again that corporations in Ireland would become normal schools of agitation; and he knew that the supporters of the measure were accused of improper motives. But while the enemies of the people of Ireland were refusing to celebrate the bans between the corporations and the Catholics of that country the delay gave birth to the fearful progeny of the National Association. He would ask whether even the normal schools contained more elements of agitation than that Association—those normal schools of which so much fear was affected? He would ask, whether they were more to be dreaded at their worst than the consequences of that denial of justice which at once converted a whole nation into a society? He conjured the hon. Gentlemen opposite to grant corporate reform to Ireland this year for the same reason through the operation of which they refused it last year—to make the inconsistency of 1837 a boon and peace-offering to injustice of 1836. The other questions to be considered in connexion with the subject were the consequences of the National Association. There was an old aphorism, that knowledge was power. The people of Ireland knew it. With such knowledge, he would ask, was it safe or prudent to deny them their equitable and just rights? It might be said by hon. Members on the other side of the House that they despised the National Association, but he would beg to remind them that the same was said of the Catholic Association in former days. It might be said also that they would suppress it; but they would find the attempt as futile and as unsuccessful as they did that to suppress the Catholic Association. There was a great analogy between the two associations; indeed, the best idea which could be form- of the one would be by studying the history of the other. Before Catholic Emancipation was achieved, by the aid of the Catholic Association, the Irish Catholic was overwhelmed with misery, and sunk in political degradation. He could scarcely be called a rational being because he was deprived by the law of the means of education: he could still less be called a social being, for the prejudices of religion and the hatred of those in power prevented all association with his fellow subjects. At that time the system of the hon. Gentlemen opposite was in full force: while they were in the vigour of matured power and strength. How stood things now? The prejudices that beset one portion of the people of Ireland had vanished before the light of reform, and the hon. Gentlemen were powerless, and their system was overthrown. He would ask the House whether, if Catholic Emancipation were achieved under such disadvantageous circumstances, corporate reform could be refused, now that the people were conscious of their strength, in possession of knowledge, and, therefore, of power? How could justice be refused them now? He could not approach the discussion of the subject as calmly as he would wish. He felt the national feeling mantle in his cheek, and suffuse his brow with the blush of shame and indignation;

for had he not been called an alien, and had he not been held unworthy to exercise the power of self-government? He felt the brand of degradation deep on his forehead, and until corporate reform was conceded to Ireland, he should ever look on himself as a stigmatised Member of that House. There was a strange similarity between the obstinacy of those who opposed that boon to his country and that of their forefathers in the reign of Charles the 1st., and he conjured those who refused it to look over the archives of their ancient families, and take example by the lessons which history afforded them, when the House of Commons was declared the sole power of the State.

Mr. *W. Roche* said: Permit me first to advert to what fell from a right hon. and judicial Gentleman, the Member for the University of Dublin, last night, respecting a near relative and esteemed friend of mine, Mr. O'Brien, of Elmvale, in the county of Clare, who the right hon. Gentleman stated was selected by the Lord-Lieutenant for the shrievalty of that county, notwithstanding his not having been on the judge's list of high sheriffs; and notwithstanding some observations of his at a dinner given by their constituents to the Members of (the right hon. Gentleman mistakenly said) the county of Limerick—but he should have said to those for the city of Limerick, namely, my hon. Colleague and myself, at which Mr. O'Brien presided, and at which entertainment (the right hon. Gentleman added) waved banners with—"Repeal of the Union," "Short Parliaments," "Vote by Ballot," &c., &c., inserted thereon. In the first instance one would suppose that this dinner was of recent occurrence, whereas it took place some four or five years ago, at a period when we had a government which, though not actually a Tory one, was unfortunately so far at least as regarded Ireland, imbued with and actuated by the most Tory principles, and which shortly after passed that most offensive and unconstitutional, because unnecessary measure, the Coercion Bill; unnecessary, because the laws, if actually put inforce, were quite adequate to suppress the outrages of the day without any such coercive enactment. What species of banners were exhibited on that occasion I certainly can not now call to my recollection, but I can call to memory that the sentiments entertained by my respected friend and relative on the subject of the Union, tallied, I may say, with my own, namely, that though most assuredly we would prefer its repeal to seeing Ireland oppressed, divested of constitutional protection, humiliated or trampled upon, yet that we entertain an anxious hope this awful alternative may be averted by a happier change in the legislative and executive conduct of this country towards Ireland. Sir, that change has taken place, so far, at least, as it is not impeded by the injustice and perverseness of Gentlemen on the other side, and a corresponding alteration has accordingly occurred in the feelings of the Irish people relative to their connexion with this country. To that connexion, Sir, and to the compact of union there are two parties, to which both are equally bound, or both are equally released. The spirit and purpose of that compact are—to give us equal laws, rights, and privileges, in fact, as it was said, to make Ireland a second Yorkshire of England; but has such been the practice or the result; or does this refusal of the municipal franchises granted to England and Scotland savour of that unity, that identity, and mutuality? Certainly not. But, Sir, we do not blame the Government nor the British people; we blame only a party, who recklessly look to their individual interests and perverse principles, in preference to the interests and happiness of their native land. But to return to my friend Mr. O'Brien, his shrievalty was a model of propriety, of dignity, utility, and ability, which can be testified by the Members for his county, and those of the neighbouring counties, and a better or wiser selection his Excellency the Lord-Lieutenant never made. His politics are like his general conduct—temperate, dignified, loyal, and patriotic; and at a dinner very recently given to the right hon. the Chancellor of the Exchequer in Limerick he was chosen by the citizens of Limerick to be their chairman. Now, Sir, let me proceed to the general subject of the present debate; and permit me first to say, that notwithstanding the plenteous censure which the Irish Association has experienced from Gentlemen on the opposite benches, I feel satisfaction and self-approbation in saying he belonged to it, and was one of its early adherents. Doubtless I should vastly prefer that the body politic should be like the body natural, in a condition to be content with its ordinary aliment; but when it is not in that condition, when it is disorganised, and its functions do not move in harmony, they must, however inconveniently and reluctantly, have recourse to appropriate and adequate remedies. Whenever, Sir, the general association becomes a subject of debate we may expect from the other side a continuance of vituperation and complaint, because it presents a formidable barrier and is a powerful adversary to those ungracious principles of exclusiveness, and those ungenerous pretensions to ascendancy, which have caused so much mischief to Ireland, and which, till extinguished or honourably laid down on the altar of concord and of country, will ever frustrate the best efforts for the improvement and the happiness of that land. So long as these untoward principles, these unkind and unjust pretensions, shall be cherished and asserted by the few, they will be, and they ought to be, resisted and repudiated by the many, and in the collision will Ireland be kept in a state of strife and commotion, and be debarred from the repose and advantages of tranquillity, of harmony, and prosperity. This Association, I say, is not the offspring of a supercilious or domineering spirit—it is the result of a dire and irresistible necessity—it grew out of injustice aggravated by insult; for Ireland was not only refused a co-equal share in the municipal privileges conferred upon England and Scotland, but that refusal was embittered by sentiments and language of the most exasperating kind, well calculated indeed to give reality to the charge of alienism so wantonly ascribed to us. Why, Sir, I say, if this Association had not started up and afforded a safe channel to the fermenting and festering feelings of the Irish people, woe to the peace of Ireland, to the peace of this country, and perhaps to that union which the predecessors of Gentlemen on the other side took such strides to accomplish—made such lavish but unrealised promises to effectuate, but which their conduct in refusing equal laws to Ireland tends so seriously to weaken and undermine. This Association uses no secresy or concealment—it is open as day to public observation—to the lynx-eyed watchfulness of its adversaries and to the immediate cognizance of the executive authorities, and, Sir, the moment its avowed and just objects are attained, that moment will it be dissolved. I am unwilling to detain the House longer, but permit me, shortly, to refute an apprehension which forms the ground work of the arguments used on the other side against conferring upon Ireland those municipal changes, namely, that they would only give rise to a counter or Catholic monopoly. Why, Sir, I can assert, without travelling farther than the city I have the honour to represent, that there was as much zeal in procuring the return to Parliament of my hon. and Protestant Colleague as there was in procuring my own. The fact is, Sir, that they did not look to the complexion of the candidate's religion, but to that of his politics and general character, as has been demonstrated in several other places. As another indication, too, that no such apprehension is justifiable, I can mention, as I remarked on a former discussion of this question, that there exists in the city of Limerick a body of Commissioners appointed by Act of Parliament for the Municipal Government of the principal part of that city, and though these Commissioners are elected chiefly by Catholic rate-payers, yet a complaint never existed that anything but character, confidence, and esteem operated in these elections, and that for the amply experimental period of nearly thirty years. Sir, Ireland will continue, will be happy to continue, united to this country on terms of honourable equality, but to injustice or degradation she never will ubmit.

Mr. *Lucas* said, that hon. Gentlemen who had taken part in this debate on the Ministerial side of the House, had placed the discussion upon a ground which he considered to be totally false—not false in principle, but false, as applicable to this particular question. That the Irish people were fit to govern themselves, was an abstract proposition with which, in the present debate, they ad nothing to do. The question at issue was, whether the Bill of the noble Lord would produce good or evil to Ireland, and, through Ireland to the British empire at large. He conceived the question was not to be put, abstractedly, whether the Irish people were more or less fit than the people of other countries to govern themselves. That was a mode of putting the question, indeed, which was popular in that House and still more popular out of it, but which had nothing whatever to do with the question, whether the Municipal Corporation Bill for Ireland would be beneficial to the empire at large. Hon. Gentlemen opposite had left out of consideration what would be the real effect of this Bill in Ireland. It was a Bill for reforming Corporations. Now it was agreed on both sides of the House that the Irish corporations should be reformed ; and the question at issue, at all events among most hon. Members, was, whether the plan which Ministers contemplated would be the most fitting reform or not. The only statesmanlike way of looking at that question was, by the real practical effects which the Bill would have. His opinion decidedly was, that however well the theory of the Government might look upon paper, that practically the establishment of corporations in Ireland upon the footing on which his Majesty's Ministers wished to establish them, was ostensibly (he did not use the word invidiously) intended to work one object, when, in point of fact, it would work another. It had the appearance of providing for the just and equitable government of certain of the borough towns in Ireland. That was the ostensible ground on which it was put forward ; but it had been left totally out of the question (as far as the debate had gone) what would be the real practical effect of the Bill. Undoubtedly it was well understood that that effect would be to increase the power of the party who sat on the Ministerial side of the House, and to diminish the power of the party on the Opposition side. That was the real question at issue. Supposing, for the sake of argument, that the corporations in Ireland had hitherto been exclusively Protestant and in the Tory interest, and it was fit that they should now be destroyed, that argument did not extend to the species of reform contemplated. The reverse of wrong was not right. It was a strange species of justice to take power from one party and put it clearly into the hands of another. Upon that ground, he objected to the arguments and the propositions advanced on the other side. He would now advert to that subject which had been introduced into the debate by the noble Lord—he meant the government of Ireland, and the great Protestant meeting that had taken place in Dublin. That meeting he did not attend, and, therefore, if he were so inclined, he might plead exemption from the consequences which might follow his joining in its proceedings. But he did not intend at all to relieve himself from that responsibility. He fully concurred in the sentiments of those Gentlemen who attended there ; he was happy to be joined with them, and to stand with them, whatever might be the result. He had read those resolutions carefully, especially that which had been commented upon with great asperity in that House, and he must say, he did not think they deserved the reprobation which had been bestowed upon them. Without critically scrutinising the words in which the resolutions were drawn up, of which he was not cognisant at the time, he must say that he conscientiously believed that the patronage of the Irish Government and the prerogative of mercy had been exercised in a manner, injurious to the peace of the country, to the administration of its laws ; and the stability of the British connexion ; that persons had been placed in office whose principal recommendation, in some instances, had been the political opinions they entertained ; and he did believe that the appointments so made had been the cause of the creation of fictitious votes, and greatly prejudiced the administration of justice. Supposing he had signed the resolutions containing these sentiments, he did not think that he ought to be catechised where, when, and how, this had been done. He thought, as a British subject, he had a right to express his opinion on these matters either in or out of Parliament. If he had a conscientious conviction that he was right in these sentiments, he was justified in expressing them either in that House, where privilege extended, or out of the House where there was no protection. If the expression of such sentiments were really to be suppressed, he was at a loss to conceive wherein the liberty of the subject consisted. He knew not what was to prevent any number of persons (whether Catholic or Protestant), who chose to meet in Dublin and express certain opinions, to consider the means of advancing them, embody them in resolutions, carry them to the House of Commons, and, if they thought fit, lay them in a loyal and respectful manner at the foot of the throne. He conceived all this to be conformable to what he had always understood to be the liberty of the subject

—to those privileges of British subjects which had never yet been denied—so that the resolutions and petitions were concocted in peaceable language, and accompanied with no acts of violence; and he was at a loss to understand how the noble Lords and the Gentlemen who entertained opinions opposite to those expressed in the resolutions he had referred to, could, consistently with the universal idea of the liberty of the subject, be justified in signing the protest which had gone forth under their names. The noble Lord, the Member for Leitrim, had last night claimed a right to express his opinions, and far be it from him to deny the noble Lord that right, whether in that House or out of it. But he did not think the noble Lord's reasoning just. The noble Lord agreed in the protest of the Peers and hon. Gentlemen against the Protestant meeting; whilst he denied the right of those assembled at the meeting to protest against the conduct of the Government. Nobody would deny the noble Lord's right to express his opinions. Why should the noble Lord deny the right of those who differed from him to exercise the same privilege? The noble Lord had referred to Mr. Cassidy. Now, of that gentleman he knew nothing, except what he had heard in that House. The noble Lord said, that it was no objection to Mr. Cassidy being admitted to the Commission of the Peace that that gentleman belonged to the National Association. But if that Association were one, the main object of which was to encourage, abet, and aid in the resistance to the law in the collection of tithes, and if Mr. Cassidy was known to have been an active member of that Association, then he certainly did conceive that he was an unfit individual to select for the administration of the law. He must have his preconceived prejudices, and the public could not fail to look upon him with distrust. The noble Lord said, Mr. Cassidy had a right to resist the payment of tithes, because he belonged to a class of persons (graziers) who were particularly aggrieved by its operation. If the noble Lord were to carry out his argument, it would be adopting a principle which neither British law nor the British constitution recognised. If because an individual thought he was aggrieved, or was, in fact aggrieved by a certain law, he should use the chicanery of the law, or enter in o a combination to defeat that law, it was his opinion, that however legally justified, or however respectable in private character, that individual was not a fit person to be selected for the administration of justice. He would put an opposite case. A large portion of the landowners of Ireland were aggrieved in a different way. The House would recollect that by the Bill introduced by the right hon. Member for Cambridge University (Mr. Goulburn) tithe was laid not only on the grass but on the woodlands of Ireland. The estates of a great part of the resident Irish gentry, who mainly entertained the opinions professed on his (Mr. Lucas's) side of the House, often consisted principally of woodlands. The Legislature had, indeed, for the last fifty or sixty years encouraged, by every means, the plantation of woods; yet the Bill of the right hon. Gentleman laid the burden of tithes on the woodlands—and though the owners of grazing land could, if they pleased, convert it into arable land, the case was different with regard to woodlands. But the Irish gentry had never complained. He took no credit to them for not complaining. They would have done wrong by objecting to sacrifice the paltry considerations of pounds, shillings, and pence, to the attainment of a satisfactory adjustment of the tithe question. But he was entitled to place the one case against the other, and say, that if the Irish gentry, the holders of woodlands, were not at liberty to agitate for their own relief, so neither was Mr. Cassidy right in agitating for his relief; and, as any government would have done wrong, in his opinion, to place a Protestant gentleman so agitating in the Commission of the Peace, the present Government could not be justified in placing Mr. Cassidy in that situation. In conclusion, he would say that he identified himself completely with the purport of the resolutions passed at the Protestant meeting in Dublin, and was but too happy to belong to the "miserable minority" escribed by the noble Lord opposite.

Mr. *Hardy* would assert that Ireland was not fit for the municipal institutions proposed to be granted. It was a plausible argument, that Ireland ought to be admitted to equal rights with Scotland and England. If the population of Ireland were of the same description with that of Scotland and England, this position would be undeniable. But was there in England and Scotland an association established to resist in a rebellious manner, rights established by the Legislature?

The noble Lord called on the House to give equal privileges to Ireland; he ought first to call on Ireland to give equal obedience to the laws. It was said, that justice required the establishment of corporations. If the old corporations had abused their powers, justice required that they should be deprived of that power, but not that that power should be transferred to others who were equally likely to abuse it. It was very well to say, that the corporations would be open to all sects—could any one doubt that the power would be entirely in the hands of Catholics? It was said, that the population of Ireland ought to govern themselves. Did they govern themselves, or were they governed? They had been called "hereditary bondsmen;" they were hereditary bondsmen. They were hereditary bondsmen to faction and to priestcraft. It had been said, that a refusal of corporations would be an insult to Ireland. No; if the corporations were useful to the Protestant cause, it was the Protestants that were insulted by their abolition; but they did not complain. They were willing that the corporations should be abolished, but they were not willing that all power should be transferred to their adversaries. The Government of Ireland had been praised. Why did the very men who said that this was the best possible Government form this Association? It was said, that the tranquillity of Ireland justified the giving of corporations. That tranquillity was specious and delusive—it was produced by terror. He would read them an extract from a paper—the *Leeds Mercury*. It was headed "Passive Resistance." It stated that there were 60,000 persons assembled to witness a tithe sale; that though the sheriff gave every assurance that bidders should be protected, no bidding was made. The multitude looked on silent and calm. Everything passed in dumb show, and at the conclusion the people dispersed in perfect quiet. This was the state of the law in Ireland. The sheriff was obliged to call out the *posse comitatus*, to enable him to execute the law; but that very *posse comitatus*, which ought to have assisted him in the execution of the law, was itself the great obstacle to its execution. Thus the officer appointed to execute the law was left in a state of despair, among a crowd of between 40,000 and 50,000 men. He was overawed by the very persons on whose allegiance he had a right to rely. He was menaced in the performance of his duty by the fear of death—not, indeed, directly threatened, but silently and indirectly implied. The vast assembly had stood calm but resolute spectators of this abortive attempt to enforce the law; but no one had dared to purchase—no one had had the hardihood to defile his hands with the materials of a levy for tithes. Yet all this passed unrebuked by the hon. and learned Member for Kilkenny, who came down to that House and said, that if a small portion of the tithes were remitted, the remainder would be secured,—and who certainly, to the extent of that remainder, upheld tithes, and was bound to recommend the payment of that. But, whether that hon. and learned Member reprobated tithes wholly or partially, the title of the claimants of them was as good as the title of the hon. Member to his estate: he said, as good as the title of the hon. Member to his estate; for, whatever his title to the "rent" might be—and he would not dispute about it, for he did not understand that species of titles—the title of the hon. and learned Member to his estate was the best title he had. Why was it that the noble Lord did not extend the protection of Government to those who vindicated rights conferred on them by the law? Was it for the purpose of placing those individuals in a situation so helpless as to provoke outrage, and of converting that outrage into a pretext for destroying rights which were obnoxious, if not to the noble Lord, at least to those who had influence with him? If it was not, and if the noble Lord were sincere in his expressions of attachment to the Established Church, and his determination to uphold it, how came it that the individuals to whom he had alluded—men who were Protestants—learned, zealous, and pious Protestants—men bent on the fulfilment of their sacred mission—were now prisoners in their houses? Not only were their persons insecure, not only were their families enduring sufferings, but their very houses had ceased to be sanctuaries for them, having become marks for the incendiary;—and yet these men were said to "imagine" that they felt pain. What men felt when imagining pain, he did not know; but he certainly did think, that hunger was a pain not confined to the imagination merely. He did think, that the owners of tithes had shown that they knew how to starve; and he did think, that if the noble Lord were to venture on the experiment of acquiring such knowledge, he would find that its pangs were not the offspring merely of a disordered fancy. Imagining pain, indeed! Was that the language to be used when speaking of men who were not merely obstructed in the performance of a duty enjoined by the law and commanded by religion, but were actually persecuted in proportion to the fidelity and earnestness displayed by them? Persons talked of legislating for Ireland, and to suit the views of Irishmen, he thought that the inhabitants of Ireland should display a capacity for obedience to laws before they attempted to prescribe them. Let the noble Lord come forward and say that tithes, so much at least as remains of them, shall be paid—let them be paid, so long as lawfully they could be claimed—let there be no quibbling resistance, no capricious adjectitive qualifying loyalty—and he would then be disposed to think that Irishmen were establishing claims to the consideration of that House, and proving that their discontent was of a nature not to be lightly regarded. But, so long as he found that various communities in Ireland, or rather various confederacies, usurped the power of the Legislature, and attempted to repeal existing laws, anticipating, as they hoped, their statutory abolition, standing up and flouting the Executive by forbidding tithes,—so long, he for one would not hesitate to declare, that the people of Ireland were not entitled to those privileges, were not entitled to that degree of self-management, which might, and was, safely and fearlessly intrusted to the people of England. No one was fit to govern, who did not know how to obey; and he would not be instrumental in arming the people of Ireland with a weapon which they would employ to distract their own country, and to annoy them. It was most easy to assert, as the noble Lord and his coadjutors were ready to do, that to confer the rights and immunities of Englishmen on their Irish fellow-subjects would be a proceeding of no danger; but how had they exercised the immunities they already possessed? Those immunities had been made the instruments of enforcing further claims, and of effectuating aspirations which it had been previously found convenient to disclaim. They had, in fact, been, from the very first of the series down to the present—which he feared was not the last—fertile in mischief to the general interests of the empire, and the particular interests of Ireland. He therefore hoped that the House would seriously ask itself the question, whether the inhabitants of Ireland were fit to be intrusted with the powers which the noble Lord sought to invest them with?

Mr. *Henry Grattan* would endeavour to avoid imitation of the very bad example set by the debaters of last night, for he neither liked their style nor their language. The question really before the House was, whether Ireland should be governed by the same laws as England; and it was most essentially the question; because, if Ireland were not to be so governed, not only ought the Emancipation Act to be repealed, but the Act of Union with it, for the situation of Ireland would be worse than it was before the Union. By their own Acts, in the year 1782, they had declared, that Ireland should be governed by equal laws with England. The same principle had long before been promulgated by a King who had gone over to Ireland to pass an Act; the same principle had been frankly assented to by one of the Henries. If, then, that principle was one which for years had been acknowledged to be fraught with sound policy by Englishmen, and one which to disregard, or rather not to enforce, would be mischievous in its consequences to Ireland, he could not conceive why the House should hesitate to adopt it. If his countrymen were not to have the benefit of English laws, then he must say, that their condition was worse than it had been before the Union; for then, if they had not English, they at least had their own laws; and, indeed, he could recollect an instance when an express recommendation to imitate English legislation, was given by the House to Irish senators. It had been said, that they had no right to form the Association which had been so vehemently denounced. Now, what had Lord Grey said, when, in the year 1792, he found himself compelled to despair of reform? He said, that he must appeal to the people; and that by meetings, and committees, and associations, that measure would eventually be carried. This was not said by an agitator—it was not said by a Member of that House—but it was said by a Peer, and a Peer pledged to " stand by his order." If others met, if others confederated, why should not those who thought as he did, meet, and combine, and confederate? Why should not they retort on their adversaries the measures which had been employed against themselves? Those adversaries coerced them into associating; for those adversaries discharged over the land red-hot balls, which must necessarily rebound from the centre to the surface. The learned Sergeant had discovered, as he fancied, an Act of Parliament which would effectually suppress this Association—it was the Act of 1795, commonly called Lord Clare's Act. Now it turned out that Lord Clare's Act was directed against delegation, and that the Association which was so obnoxious had no delegates among its members. Was Lord Milltown a delegate? he would ask. Was any one member of it—for it would be idle to multiply names—a delegate? There had been men who said, that they would respect the Crown, were it even hanging on a bush. He did not wish to inculcate any new doctrine about the respect due to the Crown; but certainly he could not reconcile indignities offered to the Representative of the King with a feeling of respect for the Crown; and that indignities, such as he had alluded to, had been offered, must be manifest to the House from the language used last night respecting Lord and Lady Mulgrave. The learned Sergeant had been in England and in attendance at this House, at the time when the Association was first formed, for the 11th of May was the day: and why had he not denounced it then? He was in the chair at that meeting, and the first name on the requisition was that of Mr. Leyland Crosthwaite, a Protestant. Lord Miltown, another Protestant, though suffering from illness, attended, and Mr. Crosthwaite proposed the name of "Association." They then appointed two Committees, one for the registries, and one of finance; and they did so to satisfy the House of Lords that the people of Ireland would have justice done them. How, then, dare any man assert that members of an association created for the purpose of vindicating just rights, were rebels to their King and traitors to their country? But that Association was denounced because it had succeeded; because, through it, hon. Gentlemen opposite had been beaten; and because through it they would be beaten again. He could tell them, that though the bells announcing their dissolution were not now tolling, their days were numbered. Why did not hon. Gentlemen say before Parliament those pretty speeches which fell so glibly from their lips at meetings of their own adherents? Why did they not repeat in that House the rhetoric of those assemblies at which they exhibited the customary tricks of those who wore orange coloured pocket handkerchiefs, and trampled on Lord Fitzwilliam, and trampled on the Duke of Devonshire, and trampled on the best men who ever held property in the country? Let them meet him and his friends face to face, and then attempt to vilipend the best friends of Ireland. The Association did not use its funds to harass plaintiffs in suits in equity; but it did employ its wealth to defeat the exactions of men who sought to recover more than was their due. And if the learned Sergeant knew anything of his own court, he would know that Lord Plunkett had declared that one defendant had been illegally imprisoned, and now had his remedies. The learned Sergeant, too, had attacked Mr. Pigott; now, he would say, that no gentleman had ever earned such a meed of praise from all parties as he had done in the county of Longford. And this the learned Sergeant should have recollected. When hon. Gentlemen challenged the legality of the Association, they should be wary lest they impeached their own title, for the origin of both was much the same. They both owed their existence to conventions, and he had never heard that conventions were illegal; that of 1782 at least was not. It was all very well to deny the expressions attributed to a noble Lord (Lyndhurst) which had excited such indignation in Ireland, but let them read the speech, let them sift its context, let them examine the internal evidence, and they would find that the people of Ireland were justified. That noble individual, and his imitators and followers, were the real repealers. Ireland was not the country, whatever England might be, to put the stamp of national indignation on the innocent and unoffending. No one was safe from the attacks of the learned Sergeant. Mr. Pigott was attacked, Mr. O'Loghlen was attacked, and so was Mr. Tighe, so was Mr. Cassidy, so was Lord Mulgrave, and so also, be it remembered, was Lady Mulgrave. Yes, Lady Mulgrave, in whose defence, if insulted, the swords of the chivalry of Ireland would leap from their scabbards, as had been said of the bearing towards their Queen which another nation ought to observe. Why was Lord Mulgrave to be insulted by the absence of hon. Gentlemen from his court? An example of such disrespect had not been set by him when Lord Haddington was the representative of the King in Ireland. They had, however, attended to the registries, and he would state, the results for the delectation of hon. Gentlemen opposite. For Drogheda, they would have a new Member in the next Parliament, and in Athlone he was happy to say that a most satisfactory return would be made. He would not interfere with the dispute which must take place between the hon. Members for Belfast, as to which should retire; one, however, would. Longford he considered as settled, Sligo he had great hopes of, Carlow they were now carrying without a contest, and in the county of Cork they would return one Member, and the learned Sergeant might make up his mind about Bandon. On the whole, they would gain seven in towns, and eight in counties, making fifteen votes, which, in a division, were equal to thirty. He hoped that hon. Gentlemen were pleased with the fruits of their labours; let them continue to obstruct the course of justice in its progress to Ireland, and they would next year reap a more plenteous harvest of them.

Mr. *Lefroy* commenced by observing upon the extreme inaccuracy of the calculations made by the hon. Gentleman who had just sat down, and he would say, that if his promises with respect to the rest of the representation of Ireland were no better founded than with respect to Longford, he would have a very small account to render in any succeeding Parliament of a gain to his side of the House. The hon. Member had appealed to him to state his opinion as to the legality or illegality of the Association. If he could have ever entertained any doubt on the subject, the argument of his hon. Friend (Mr. Sergeant Jackson) was enough to banish any such doubt from his mind, as, without question, it had banished doubt from the mind of the House. In his opinion, any body of men uniting their efforts and applying their funds for the purpose of obstructing the execution of the law, and defeating the rights of property, must of necessity be an illegal association. The noble Lord (J. Russell) had imputed to a large body of the Irish Members that they had brought forward charges against the Irish Government out of the House which they had never dared to bring forward in Parliament; and they had made these charges without evidence to support them. Was the noble Lord now of that opinion? Did he now think that "miserable, monopolising minority," as he had designated them, would not dare to bring forward these charges in that House? Did he now think there was no evidence to support them? Did the noble Lord now feel that it was an honour, as he declared a few nights ago, to be associated with Lord Mulgrave in the Government of Ireland—was the noble Lord willing now to be considered as a pacificator in all the strange proceedings which had been now established by irrefragable proof since the commencement of this debate? The only apology which he could find for the conduct of Lord Mulgrave was, that the noble Lord was said to be extremely fond of romance—and hence arose these wild sports of the west. Therefore it was, as he charitably presumed, that the noble Lord, on his tour, opened all the jails and discharged the prisoners, substituted the opinion of the jailer for that of the judge, and the authority of his private secretary for that of the Secretary for Ireland. He must say, that if he were in the noble Lord's place, he should deem it no honour to be associated with a person who had acted in that manner. But he should not go over the whole of the ground which had been traversed in this debate, but confine himself to a charge against the Lord-Lieutenant, which was a most serious one, and which he was the person who brought forward to the Dublin meeting—a charge, which, if he could not bring forward evidence to support, ought to cover him with shame and disgrace. He repeated that charge to the House, that the Lord Lieutenant had, in the words of the resolution, "been guilty of setting aside, in nine instances, in the course of last year, the fit and competent gentlemen nominated to the office of high sheriff in the constitutional and legal manner by the twelve Judges and the Lord Chancellor, and of an arbitrary substitution of others in their stead." He admitted all the seriousness of the charge, and he felt the full weight of the responsibility of the proof. About twenty years ago the sheriffs used to be appointed on the recommendation of the county members, or if they happened to be adverse to the Government, the sheriff owed his appointment to the principal political influence in the county. No system could be more mischievous or more objectionable than this, and accordingly it was brought before the House by Sir John Newport, in the year 1816, upon a motion for a Committee to inquire into the state of Ireland. He described it as a radically vicious system—one which went to poison justice at its source. His right hon. Friend, the Member for Tamworth, was then Secretary for Ireland, and at once yielded to the objection, and pledged himself to introduce the same system which existed in England. The present Lord Plunkett, then in this House, and sitting at the same side with Sir John Newport, declared his opinion that the Secretary for Ireland was entitled to the greatest approbation for what had fallen from him upon the nomination of sheriffs, and was sure it would be of infinite advantage to Ireland. The practice was then assimilated to that of England, and three names for each county were selected by the going judges of assize. These names were again considered by the Lord Chancellor and the twelve Judges; and if any objection appeared, a new name was substituted, and from this list, thus scrutinised, three names were finally returned to the Lord-Lieutenant, from which to select a sheriff for the ensuing year. A system better calculated to obviate the vice of the old practice, and to secure the appointment of sheriffs against the influence of political interference, could not be devised, and accordingly it had been found to work well, and had been approved of and upheld by all administrations, whether Tory, Whig, or mixed, which had since taken place in Ireland. He could not find, from 1816 to 1836, more than one exception to this rule, and in this case the Government selected a gentleman of opposite interests to the Government itself. But in that instance the Government acted upon a complaint made to it by a candidate for a county, that the list for that county was composed wholly of his opponents. The Government did not act *ex mero meto.* It acted upon a complaint, and only in the single instance; but here was Lord Mulgrave acting at his own instance—setting aside the recommendation of the twelve judges, and of his own Lord Chancellor in nine counties—selecting, upon whose recommendation did not appear, nine gentlemen for the office, and passing over the twenty-seven names returned by the Judges and the Chancellor. He should not stop to inquire into the merits and demerits of those appointed or those passed by, though he was prepared to shew the unexceptionable character of the names returned by the Judges, and the extreme political partizanship of almost all those substituted by the Lord-Lieutenant. He arraigned him on the principle of his conduct—for having revived a system which one of his own Whig friends had described as poisoning justice at its source, and of having departed from one which another had declared would be of infinite good to Ireland. The noble Lord, last night, acquitted the Judges of partiality in the discharge of their duty; then why did Lord Mulgrave set aside their appointments? The Lord-Lieutenant had departed from a system the best calculated to secure impartial justice, and he had taken upon himself to establish a precedent, which, if it did not originate in corrupt motives, might lead, on the part of other Governments, to an arbitrary and capricious, aye, and corrupt mode of conduct. He arraigned the Lord-Lieutenant, therefore, for this departure from a great constitutional principle. The right hon. and learned Member then adverted to the case of Mr. Leigh, who received a notification that he had been appointed sheriff, but in the interim, between his appointment and Mr. Leigh's coming to the Castle, Lord Mulgrave was told that Mr. Leigh continued to belong to an Orange lodge, and therefore he was determined to revoke his appointment. Lord Mulgrave declared, in defence of this act, that he was determined not to appoint any person to the office of sheriff who belonged to any secret exclusive political society, opening the door wide to admit all appointments to gentlemen belonging to the National Association, and most guardedly and critically expressing himself so as to exclude none of the latter body. Lord Mulgrave subsequently admitted that he had been misinformed, and therefore he regretted that he made the statement, and accordingly he appointed Mr. Leigh high sheriff this year. But did not this show the mischievous principles on which Lord Mulgrave's government was conducted? Mr. Leigh was whispered out of his office.

He was condemned on secret information, and by the private suggestions of the Solicitor-General. Why not refer to the judges? Why was not Mr. Leigh himself asked the question? Then all would have been cleared up at once. When Lord Mulgrave defended himself in the House of Lords with repect to the rejection of Mr. Leigh, it was not known that he had acted in the same way with respect to eight other gentlemen. He hoped the noble Lord (Lord John Russell) would be able to exculpate the Lord-Lieutenant from this serious charge. But the practical evil of this system was yet to be told. The duties of the office, it is well known, were performed in Ireland by the sub-sheriff. What were these duties? Returning the grand and petty juries at the assizes and sessions, executing all writs, levying all executions, enforcing distresses, presiding at elections, directing and heading the force of the county for the preservation of its peace. But in all these instances, except in presiding at elections the sub-sheriff was the acting person. He was especially the person on whose vigilance and fairness so much depended in the clergy obtaining their rights in cases of executions or distresses. They knew also that these individuals were not of that class of men, nor of that dignity or rank from which was expected that delicacy and strict performance of duty, which was looked for in the high sheriff. In many cases they were known to have abused the powers of the law in a most outrageous manner. He did not like to make sweeping and general charges unsupported by proofs, and he would therefore state to the House a particular instance, which was but one of many, and the truth of which stood on the records of the courts of justice in Ireland. The gentleman appointed in room of Mr. Leigh was Mr. Derinsey, and he nominated as his sub-sheriff Mr. Corcoran, an agitator in the county of Wexford. An execution, issued at the suit of the executors of the Bishop of Ferns for 25*l*., due for arrears of tithes from a person of the name of Sweetman, and the sheriff seized under the writ sixteen cows, twenty-five sheep, and a large quantity of other valuable property. The sub-sheriff, however, instead of proceeding to sell the property by auction, and raise the paltry sum of 25*l*., returned to the courts that the goods were in his hands, but for want of bidders he had not sold them. He thus obliged the executors to wait until the next term, and to obtain an order upon the sub-sheriff to put the goods up by auction. The plaintiffs wished the sub-sheriff to bring the cattle to the town of Enniscorthy, where they could have an effective sale, but Mr. Corcoran refused to harass the cattle, as he termed it, by driving them there, the distance being five miles, but promised that he would hold a sale, on such a day, on the premises. The day before the day appointed he held a mock sale, and returned to the court that he had sold the cattle and the sheep for the sum of 1*l*. An application was, however, made to the court against the sub-sheriff; the case was examined into on affidavits; the sub-sheriff was heard in his defence, and the court was so satisfied of the impropriety and collusiveness of his conduct, that they ordered him to pay the debt and all the costs. This, however, is but one instance amongst many, to prove the mischiefs resulting from the appointment of high sheriffs under Lord Mulgrave's system. If the noble Lord will allow a Committee to be appointed, his opponents will prove in detail abundant more instances, and shew that the administration of the law, the security of life and property, and the peace of the country, have been most seriously affected by the whole system of the Irish executive since Lord Mulgrave assumed the reins of Government.

Mr. *Wakley* complained of the very irregular nature of the present discussion. The noble Lord on his side of the House, in the very excellent and admirable speech which he had made last night, had gone fully into the question of Irish politics, and had challenged the fullest discussion into it from the other side. In consequence, he did not complain so much of what had been done on the other side as of what had been done on his side of the House; but after the challenge which the noble Lord had thrown out last night to the Gentlemen opposite, he thought that if the accusations which they had brought against Lord Mulgrave were true, or if they believed them to be true, a feeling of justice and decorum would indicate to them, that if they did not dare to impeach Lord Mulgrave, when they said that they had in their possession proofs to support an impeachment, they ought not to pester the House again with such observations as those which they had recently addressed to it. If they had grounds for their accusations, which he believed to be unfounded, but which they asserted to be substantially well-founded, they would be traitors to their country if they did not bring them specifically under the consideration of Parliament. The question of Irish Municipal Reform, which was the question really before the House, but on which scarce a word had been said since the commencement of the debate, appeared to him to lie in a very narrow compass. He should not have said a word upon the subject, had it not been for an expression which had fallen from the lips of the hon. and learned Member for Bradford. That hon. and learned Gentleman had said, that if the people of Ireland were of the same description with the people of England and Scotland, he would not in that case refuse to give them the full enjoyment of municipal rights. The country had heard many comments upon an unfortunate expression used by a noble Lord in another place respecting the Irish being aliens in blood, in language, and in religion; but was it possible that that expression could be more offensive to the Irish nation than that which the hon. and learned Member for Bradford had that night applied to it? He asked that hon and learned Member to tell him what he meant by the word "description," as he had applied to the people of Ireland. Surely the hon. and learned Member would admit that in physical constitution and in moral obligation the people of Ireland bore some resemblance to the people of England and the people of Scotland. Surely he would admit that the babes of Ireland sucked the breasts of women. Surely he would admit—

Mr. *Hardy:* The hon. Member has misunderstood me. I said, if the conduct of the people of Ireland were of the same description with that of the people of England. I did not say, if the people of Ireland were of the same description with the people of England.

Mr. *Wakley:* As the hon. and learned Member denied the expressions, he was bound, of course, to accept his denial but he had taken down the words of the hon. and learned Member at the time, and he was happy to find that the hon. and learned Member did not mean them to apply in the sense in which he had taken them. He should therefore abstain from further remark upon them. If the hon. and learned Member had used them, he would have only done that which his hon. Friends near him were doing, whenever they declared that the people of Ireland were unfit to govern themselves. If the people of Ireland were unfit to govern themselves, why was the Catholic Emancipation Bill passed, and with what hopes was it recommended to the favourable consideration of Parliament? Was it recommended as a measure of mere speculative legislation, to be kept and exhibited as a curiosity in an Irish museum? Was it a piece of trickery, devised by the framers of it, to keep themselves in office, or was it a measure which they really intended for the benefit of the people of Ireland? He would read the preamble to that Act, as it was calculated to throw some light upon the question he had just raised. That preamble was in the following words:—"Whereas, by various Acts of Parliament, certain restraints and disabilities are imposed on the Roman Catholic subjects of his Majesty, to which other subjects of his Majesty are not liable, and whereas it is expedient that such restraints and disabilities shall be from henceforth discontinued." The right hon. Baronet, Sir Robert Peel, cheered; he was glad to hear the right hon. Baronet cheer that sentiment. Now, if the civil restraints and disabilities on the Irish Catholics were removed, or were to be removed, why did the right hon. Baronet and his party refuse to them the advantages which this Bill was calculated to confer upon them? That was a plain question, and admitted, if they had the inclination, of a very plain answer. The Emancipation Bill indicated that all restraints and disabilities arising from religious opinions were to cease as soon as it became law. By that Bill you have admitted the gentry of Ireland to take their seats in this House. Will you, by refusing your assent to this Bill, deny to the middle classes, who inhabit the towns of Ireland, the means of administering their local affairs, merely because they are Catholics? If you will do so, a more galling insult was never inflicted, a more violent fraud was never practised upon a nation than that which you will inflict and practise upon Ireland. He could assure hon. Gentlemen on the opposite benches that the course which they were pursuing in conjunction with the House of Lords was producing a deep feeling of indignation against them in the minds of the people of England. The people were now asking why it was, that the course of legislation was so needlessly interrupted in both Houses of Parliament? They were also asking why these daily interruptions were given to their social harmonies—why the proceedings of Parliament did not advance as formerly in a quiet, a regular, and a concordant spirit? His answer to those questions was shortly this:—"The reason is because we have one branch of the Legislature irresponsible to any human tribunal, and, therefore, determined to pursue its own paltry objects in defiance of the wishes, and at the expense of the best interests of the nation. It was a mistake to assert that the National Association was the spawn of its own wrongs—it was the offspring, the natural yet legitimate offspring of the House of Lords, and of its mistaken policy. He implored the right hon. Member for Tamworth to shake off the lethargy which had oppressed him during the last week, and repeat the same acknowledgment which he had manfully made in 1829. "I have for years," said the right hon. Baronet, "attempted to maintain the exclusion of Roman Catholics from Parliament and the high offices of the state. I do not think it was an unnatural or unreasonable struggle. I resign it in consequence of the conviction that it can be no longer advantageously maintained. I yield to a moral necessity which I cannot control, unwilling to push resistance to a point which may endanger the establishments that I wish to defend." Now, with great humility, he begged leave to inform the right hon. Baronet that the same moral necessity to which he had yielded before, and which he had confessed himself unable to control, had arisen again. The will of the people of England proclaimed that fact in terms which could not be mistaken; and the House might depend upon it that they were ready to support the people of Ireland in their demands for justice. If the people of Ireland were denied these advantages which their different Municipal Bill had given to the people of England and Scotland, they would act wisely if they declared that the union of the two countries was a mockery, an insult, and a reproach, and that it should exist in reality or not at all. In conclusion, he observed that if the noble Secretary for the Home Department would continue to pursue the high and noble course on which he had entered on the preceding evening, he might depend upon receiving from the people that support which would overwhelm his enemies with confusion and dismay, and which would obtain for England, and Ireland too, a full measure of justice.

Mr. *West*: As one of the persons who took a part in the proceedings of the Protestant meeting in Dublin, and who entirely concurred in every resolution passed at that meeting, hoped he might presume to address some observations to the House. The course which the debate had taken had, whether intended or not, involved him in some difficulty. The noble Lord, the Secretary for the Home Department, had come down to the House a few nights ago, and in announcing his intention to introduce a very important measure had also expressed his determination to enter upon the subject of the resolutions passed at the Dublin meeting; and to open and discuss the whole subject of his Majesty's Government in Ireland. The noble Lord kept his word. Of a speech of great ability and considerable length, three-fourths were devoted to the motives and insignificance of that meeting, challenging proofs, and demanding contradiction upon matters which had little relevancy to the Bill about to be introduced, but which had a most important reference to the proceedings of that meeting, and to the conduct of his Majesty's Government in Ireland. What was the plain object of this? The noble Lord, either in a confidence in the strength of his own case, or in ignorance of the case of his opponents, hoped to introduce to the public notice a measure of very great importance, accompanied with such a popular impression as he trusted would be made by the history of his administration in Ireland. Then came the reply of his hon. and learned Friend. He knew not to what hon. Gentleman on the opposite side the duty of answering that speech was allotted—for that duty was still to be performed—that eloquent and admirable speech, which the candour even of his adversaries would admit presented a powerful case in defence of his friends, and a strong inculpation of the measures of his opponents. In this situation the hon. Member for Bath came forward, and with a sincere, or at all events a well-affected, surprise at the irregularity of the debate, expressing his astonishment that it was not strictly confined to the question of the Bill, undertook to deliver a very eloquent lecture to the Representatives from Ireland at both sides of the House, not only upon the unfitness of their conduct to the usages of Parliament, but also upon the grace and propriety of their gesticulation. And he would say that, as a moral teacher or an instructor in those graces that ought to accompany public speaking, the sentiments and manner of the hon. Gentleman were quite worthy of the character he had assumed. He had heard the hon. Member with sincere pleasure; and as the best proof of it, although he could take no part of the hon. Member's censure to himself, this being the first time he had ventured to address the House, he would most cheerfully pursue the course recommended by the hon. Gentleman, and avoid now, as he had ever done, those personalities which were as disagreeable to the Member who used them, as prejudicial to the character of that House. He would with great sincerity adopt the advice, as readily as he wished he could adopt the ability and the manner, of the hon. Gentleman. But the hon. Gentleman, having concluded his lecture by deprecating all further discussion upon extraneous subjects, put forth all his power in an effort to seduce the House from the true question of the night, in a speech which he should consider, if not intended, at least to be an extremely appropriate one for the second reading of the Bill. But he could not follow the hon. Member. He must rather endeavour to pursue the noble Lord; and, being fully aware of the vital importance of the measure itself, yet, feeling that another opportunity would arise for the discussion of that subject, he would at once proceed to a consideration of the charges which had been made against the Government of Ireland. And first, was anything ever heard like the attempt made to give an answer to the speech of his hon. and learned Friend? Of all the charges and all the proofs adduced by him, there was no allusion made in the reply of the hon. and learned Member for Kilkenny except upon three points—the appointment of Mr. Cassidy, the case of Carter, and the conduct of Lord Mulgrave in discharging the gaols of Ireland, and what was the answer to these cases? That the hon. and learned Member had not been aware of the conviction of Mr. Cassidy for resisting the execution of the law, and suspected it was not true; whereas an hon. Member, the son of the Lord-Lieutenant of the county, was present to vouch the fact, and therefore there was no doubt upon that subject. The noble Lord, the Member for Leitrim, made a different case, and one not consistent with the doubts expressed by the hon. and learned Member for Kilkenny. He rested Mr. Cassidy's case upon a sort of justification of his resistance to the law, on the ground of the unfair pressure of the tithe system on Mr. Cassidy, as an extensive grazier, and the noble Lord seemed to think that this resistance had no relation to the case of the Protestant clergy; but the noble Lord had wholly forgot one fact stated by the hon. and learned Sergeant—the payment by Mr. Cassidy into the National Association of the precise amount of his disputed tithes, as soon as he was appointed Magistrate, and this as the fitting amount and the fitting fund from which his contribution to that Association was to be made. Then as to Carter's case, no personal attack was made or intended against Mr. O'Loghlen. The inaccuracy discovered with so much profession of triumph in the hon. and learned Sergeant's speech was, that in a case where there were three abortive trials, the first, which might have gone off, as it did, by an accident, took place when Mr. Blackburne, not Mr. O'Loghlen, was Attorney-General. Now he was assured it was neither, that it was Mr. Perrin. But was it of the slightest consequence to the case which it was? The objection was this: that by the innovations, in doctrine and practice, by the present Government, a horrible crime had escaped detection and punishment, and a notorious convict was not prevented from placing himself upon the jury at the second trial, and by that means no verdict was had. It was a fact not yet mentioned, that when the jury, some of them Catholics, stated in open Court that there could be no agreement, by reason of the conduct of that same individual, a son of the murdered man applied to the Judge who tried the case to have permission to appoint his own counsel, to protect his interests. The Judge had no power—he referred it to the counsel who conducted the case for the Crown—an able and excellent man—but their rules or their instructions left them no discretion, and the application of the poor man's son was refused. And thus, from whatever cause, a crime, which had struck every human being with horror and disgust, had gone unpunished—a disgrace to the country and to the administration of justice. And, lastly, what answer was given respecting the novel practice of discharging the gaols? An appeal to the character of hon. Gentlemen at his side of the House, to know whether, as men of feeling, they could find fault with Lord Mulgrave for an excess of clemency? The noble Lord (Lord Clements) here again took a different ground of defence, and seemed to justify the practice, inasmuch as the offences were insignificant, and the measure itself had, in fact, acted beneficially. But there were some Gentlemen in Ireland who certainly thought very differently both of the motives and the results of a proceeding unparalleled in the history of civil proceedings in these countries. He would read two letters upon the subject, written from different counties by gentlemen of honour and respectability, with whom he was acquainted. The first letter was couched in the following terms:—"Mullingar, Monday, Aug. 22, 1836. Lord Mulgrave arrived here to day *en route* to Longford, and remained an hour or two in the town. Previously to his departure he visited the gaol, from whence he discharged nineteen prisoners. What an encouragement to crime does this indiscriminate and culpable extension of mercy hold forth, and with what sentiment must it impress the lower orders in respect of the magistrates, juries, and judges, those who administer the law, and those who are appointed to carry its provisions into execution!" The second was dated "Longford, August 23, 1836. It said, His Excellency the Lord-Lieutenant arrived here to day. After receiving an address, he proceeded to inspect the barrack and the gaol, and relieved eight persons—upon instinct, of course—for he had neither time nor opportunity to consider their claims to the extension of royal clemency; but this act of mercy produced that for which it was designed, an uproarious shout for his Excellency from the assembled crowd." And would the House have the patience to examine the practical results of such a proceeding? His Excellency spent two hours in Mullingar; before he departed he discharged nineteen prisoners. Suppose he had given the whole of the two hours to that alone—what sort of examination could he have to make into the merits and details of nineteen cases where there had been convictions? But there could have been little or none; and the case in Longford served to prove that his Excellency had neither time nor opportunity for examining into their claims for mercy. And what must be the effect on the future administration of justice? Any person acquainted with Ireland must know the difference experienced by the resident gentlemen acting as magistrates, in detecting the commission of crime, of securing the offender, and of bringing forward the proper evidence when secured. Yet, when all this had been gone through, the offender was, without merit and without cause, thrown back upon the neighbourhood which he had injured, to scoff at and taunt the magistrate who had but done his duty, and to tell the world there was a greater power than justice, that could and would dispense with it as administered by a country gentleman. And the juries, too, with all the inconvenience to respectable and proper men, of giving their attendance to the discharge of such a duty—their anxiety to search out and investigate the truth—how must they feel, if, at the next Assizes, similar cases, if not the very same individuals, should be brought before them? Could they possibly avoid feeling an indifference to the investigation of a case which might be decided by another progress of the Lord-Lieutenant, without any reference to the propriety or justice of their own decision. But to the judges it was worst of all. Hitherto it had been deemed of some consequence in Ireland to preserve in the minds of the lower classes a reverence and respect for those who administered the law and presided in its Courts of Justice. It was a beneficial thing that it should be believed and known, as it was, that mercy as well as justice was to reach the offender through their interference. Bound by their sense of duty, with such men an obligation as sacred as their oath, to do that which was right, and to do it mercifully, they had awarded the sentences and punishments assigned by the law to such offences; but the Lord-lieutenant not only gave the impression that they were wrong—that in the exercise of their office they were tyrannical—but he appeared to add the flagitious insult which he (Mr. West) could never believe was intentional by any British nobleman, of substituting for the bearer of the King's Commission in the administration of justice as well as mercy—the keeper of the common gaol—to be the medium through which the merits of these malefactors were to be ascertained, and the prerogative of mercy to be administered. Did he exaggerate? Look to Colonel Yorke's letter, to the gaoler of Lifford—to another letter respecting Meath gaol, from which twenty-one persons were discharged. It was the same at Cork, the same at Tralee; and the only impartiality and justice which he (Mr. West) could see in the transaction was, that every county was to have its due proportion of vagabonds scattered over it—and that there should be no county in which the Judges should not be impartially insulted. But if the true object had been the quiet luxury of doing good, and enjoying the consciousness of a benevolent action, could it not have been suggested, if it did not suggest itself to his Excellency, that he might at all events have waited until his return to Dublin, and sent down those warrants for the discharge which were the only sufficient authority to the keepers of the prisons? And with respect to the prisoners themselves, if entitled to a pardon they ought to have had it properly. There was no man who was not bound by many obligations to society, and it might not only be important to the prisoner to have the legal consequences of his conviction completely removed, but there were many cases in which the public might have an interest in it. Take him as a witness for example. The public might have an interest in his testimony—the conviction rendered him incompetent. At common law, his pardon must have been under the Great Seal; but a late statute had given a shorter process of restoring the competency by warrant, under the sign manual of the Lord-lieutenant, backed by his secretary. Now, he should feel exceedingly glad to know in what manner any of the very able lawyers of the Association would set about pleading such a pardon as this, given in the many cases of felony and misdemeanour with which the several lists abounded. That the Earl of Mulgrave, being the Lord-lieutenant of Ireland, came upon such a day, in a very handsome cap and feather—presented himself at the door of the gaol of Sligo—and then and there ordered the gaoler, who neither knew the Lord-lieutenant nor had any business to know him—to let loose the particular offender, which the gaoler did accordingly without any further warrant. On the irregularity of such a mode of proceeding he need not enlarge—it had been confessed; for warrants were subsequently issued to legalize the *viva voce* proceeding under which those prisoners had been discharged. The necessity for its being so legalized could not for a single moment be disputed. If it were he was prepared with authorities at once to show that that necessity was of the highest order. He hoped that the House would not be alarmed at seeing a lawyer come before them with an authority, but he should only call their attention to one. The 7th and 8th of George 4th rendered it absolutely necessary that, in order to the restoration of the full rights of a convict, his pardon should be made out according to a prescribed form. Anciently, by the common law, it was necessary that the pardon should be passed under the Great Seal; at present, however, the Act to which he referred, permitted it to be done in a more convenient manner—it could now be completed by receiving the sign-manual of the Lord-lieutenant, with the counter-signature of the Chief Secretary. In granting pardons to any persons convicted of any species of offence there could be no doubt that conditions might be annexed to the grant of such pardon, as, for example, that the offence with which the prisoner stood charged, he should give security not to repeat. One of the convicts whom the noble Lord set at liberty, had been found guilty of an assault with intent to commit a rape, and he was discharged unconditionally. There were precedents enough to be found of proper warrants for the purpose. One, and not a very distant one in point of time, would be mentioned by a learned and hon. Friend; but he would venture to furnish another to the official and hon. Gentlemen at the other side, which might be useful hereafter. In the list of malefactors discharged from Sligo gaol, he perceived the name of one who had been sentenced to nine months' imprisonment for an assault, with intent to commit a rape. Something of a similar offence occurred in the reign of James 1st, and a pardon was granted, and the form of the warrant conveying the pardon was preserved. It would be found in the 2nd vol. of State Trials, 739, and a portion of it was in these terms:—THE PARDON OF SIR EUSTACE HARTE. "James Rex.—Omnibus ad quos, &c. salutem.—Sciatis, quod nos de gratiâ nostrâ speciali, ac ex

certâ scientiâ et mero motu nostro, pardonavimus, remisimus, et relaxavimus, ac per præsentes, pro nobis, hæredibus et successoribus nostris, pardonamus, remittimus et relaxamus, Eustatio Harte, de villâ de Southampton, militi, omnia et singula crimina et offensas, adulterii, fornicationis, et incontinentiæ, quoscunque per ipsum Eustatium Harte cum aliquâ muliere, sive aliquibus mulieribus, ante datam præsentem, ubicunque, quandocunque, quomodocunque et qualitercunque, facta, commissa, vel perpetrata." But as the law allows the King to annex any condition to his grant of a pardon, King James took care to annex a condition here. It will be found on a reference to the warrant that Sir Eustace Harte was to commit no more offences of the same kind. But times were changed. The Lord-Lieutenant of Ireland took no such precaution—and the Sligo offender had gone back to society incapacitated in his civil rights— incompetent to give testimony in a Court of Justice—and, through the excessive clemency of Lord Mulgrave, competent to nothing but the unlimited commission of such offences as it might be his will and pleasure hereafter to indulge in. But this reminded him of a more serious matter. In many of those cases where offenders had been discharged, the Judges had thought it proper not only to punish the crime but to exact a security for the public. Had bail been taken in all or any of those cases, when the sentence of the court required it? And if not, then, however, it might please or amuse the Government of Ireland to dispense with the penalty affixed to the crime, it was hardly discreet to abandon, without any consideration, the security which was the right of the public. Another subject he had intended to discuss, and a most important one, as it was felt in Ireland, namely, the interference with the appointments of sheriffs; but his right hon. Friend (Mr. Lefroy) had gone so fully into it that he would only mention a single case. Three names were returned by the Judges, in the usual way, for the county of Clare, for 1836, Edward Fitzgerald, of Carrygawan, Esq.; Francis Gore, junr., of Tyreclough Castle, Esq.; Michael Morony, of Melton Malbery, Esq. They were all Protestants, and no Orangemen amongst them. On the 11th of January, 1833, the following appeared in the *Limerick Evening Post*, a paper in the liberal interest:—"On Tuesday evening the return of our popular Representative was celebrated by a public dinner at Swinburne's great rooms. John O'Brien, of Elm Vale, Esq., in the chair." At that dinner a flag was hoisted, on which these words were inscribed, "Repeal of the Union, Abolition of Tithes, and Vote by Ballot." This dinner took place on the 9th or 10th of January, 1833. It was hardly necessary for him to remind the House, that at that time, the hopes of those who desired a Repeal of the Union were at the highest, and by many of them serious expectations were entertained that the proposition for such repeal would be successful. He should now read a passage from the speech made by the Chairman on that occasion, respecting which he should not then make further observation than to say that it had in effect been adopted by the present Government:—"Politics and religion have been alternately the cause and pretext of our national subjugation, and a rapacious oligarchy, sustained by a foreign power, has long oppressed a degraded and impoverished people. The Repeal of the Union has become the war cry of the people, and its recognition, in principle or modification, the criterion of the popular candidate. In the spirit of what I have said, I give you, 'The repeal of the Union.'" Shortly after the delivery of that speech, three names were returned to the Lord-lieutenant of gentlemen competent to fill the office of High Sheriff for the County of Clare; no objection, even upon political grounds, could be urged against them; but, nevertheless, the same Mr. O'Brien who had presided at the dinner given to Messrs. Roche, was appointed High Sheriff of Clare. He desired to ask who were the Ministers of the Crown when these proceedings took place? Certainly, Lord Melbourne was not the Prime Minister, but with hardly an exception, the present advisers of his Majesty were the identical individuals who then filled the Cabinet, Lord Melbourne being Home Secretary, and therefore very intimately connected with the administration of affairs in Ireland. It was most remarkable that the Ministers should have advised the King, within a very short time after the dinner at Limerick, to address Parliament in these words:—"I feel confident that to your loyalty and patriotism I shall not resort in vain in these afflicting circumstances, and that you will be ready to adopt such measures of salutary precaution, and to intrust to me such additional powers, as may be found necessary for controlling and punishing the disturbers of the public peace, and for preserving and strengthening the legislative union between the two countries, which, with your support and the blessing of Divine Providence, I am determined to maintain by all the means in my power, as indissolubly connected with the peace, security, and welfare of my dominions." And did all the then Ministers concur in the nomination of Mr. O'Brien and other proceedings of the same nature? No; not at all. The hon. Member for Bath pointed to these benches, as he supposed that some hon. Members had changed theiropinions. Who had changed their opinions? And it was with sneers like this, that hon. Members endeavoured to console themselves for what in their hearts they regretted. The loss of two men, who, in the universal estimation of the country, had carried with them, from the bench which they no longer occupied, a great part, if not the whole, of its genius, and a very considerable portion of its integrity. With respect to the Assistant Barristers, he was unwilling to say anything respecting the gentlemen whose names had been mentioned; and the more so, as one of them had been in some degree engaged against himself. The hon. and learned Gentleman then proceeded to notice the appointments conferred by the Government of Ireland, upon Messrs. Pigott, Hudson, Gibson, and Green, censuring the conduct of the Administration, but speaking in terms of the highest respect of the above-named gentlemen. With Mr. Pigott, and, as we understood, with the other gentlemen he had the pleasure to be acquainted. Mr. Pigott was a member of the General Association, and was also distinguished by having become an object of the patronage of the Crown. It was therefore to be inferred, that his views of Irish politics coincided with those of the King's Government. It was necessary that the Bills for the recovery of tithe should be signed by a barrister. It happened that some of those Bills bore the name of Mr. Pigott, and this gave rise to some proceedings in the General Association, a report of which appeared in the *Dublin Freeman's Journal* of the 6th of January, 1837, and a passage from that report he should, with the permission of the House, now read;—"On the list of Counsel who had signed pleadings in the Court of Exchequer being read, Mr. Redmont said he felt that these signatures had been affixed through want of thought for the Monarch. The name of one gentleman appeared on the face of the list which they had just heard read. Now, it was a fact, that at the commencement of this Association that gifted individual had given all the aid of his sensible and powerful mind in its formation, and in advancing it to that proud and permanent station which it holds at present. He had proved himself one of the most useful, the most active, and most zealous supporters it had; that gentleman was Mr. Pigott." The Administration of the country was the same when Mr. Pigott had the fortune to become an object of its patronage as at the present moment. After what he had heard from the noble Lord, the Secretary of State for the Home Department, on the subject of perfect unison amongst those connected with the conduct of public affairs, after the censure pronounced against anything like disunion or discordance of sentiment, he should say that the strongest ground had been furnished to presume that there subsisted no differences between the noble Lord opposite, and that learned "individual who had given the aid of his powerful mind in the formation of the General Association," who was "one of the most active and zealous supporters it had." He knew it to be extremely probable that if that question were put in another place, the present head of the Government would deny a community of feeling with Mr. Pigott on the subject of the General Association; but what he desired to know was, did the sentiments of the noble Lord opposite accord with those of Mr. Pigott? Opinions had in the course of the present discussion been pronounced on the legality of the Association; on that subject he did not hesitate to pronounce his view of the question—namely, that it was an illegal body. It was the illegitimate successor of the Catholic Association; and in that House Mr. Canning had pronounced an opinion upon that body well worthy of being remembered. His words were—

> "Is it (asked Mr. Canning,) possible that any man loking at an association of this nature — at the means, thepower, the preponderance of which that association is acknowledged—nay, is vaunted to be in possession—at the authority which it has arrogated, and at the acts which it has done—

can seriously think of giving stability, and permanence to its existence? Self-elected, self-assembled, self-adjourned, acknowledging no superior, tolerating no equal interfering, in all its stages, with the administration of justice, denouncing publicly before trial individuals against whom it institutes prosecutions, and re-judging and condemning those whom the law has acquitted—menacing the free press with punishment, and openly declaring its intention to corrupt that part of it which it cannot intimidate; and, lastly, for these and other purposes, levying contributions upon the people of Ireland. Is this, Sir, an association which from its mere form and attributes (without any reference whatsoever to religious persuasion) the House of Commons can be prepared to establish, by a vote, declaring it not to be inconsistent with the spirit of the constitution? When I speak of the representative character of the Catholic Association, I do not mean to assert that it has ever affirmed itself to be the representative of the people of Ireland. No such thing. It is too wise in its generation to hazard so impolitic a declaration. If it had done so, it would have been unnecessary to argue the present question, for no new Act of Parliament would in that case have been necessary to enable the law to deal with it But, Sir, although the Catholic Association has not openly assumed this representative character, I cannot shut my eyes to the fact that such a character has been attributed to it by others; and if notoriety be, as undoubtedly it is, a ground upon which legislation may be founded, the repeated statements which have been made in this House during the present debate, that this association is, and is held to be the virtual representative of the people of Ireland, call upon the House to consider whether such an association can co-exist with the House of Commons."

Those were the opinions of that eminent statesman. They were in perfect accordance with the opinions of the lawyers who at that time delivered opinions upon the subject, and they applied with as much force to the association which existed in that day, as to the body now in the habit of assembling in Dublin. Some allusion had been made to the state of certain constituencies in Ireland, and amongst others, to that which he had the honour to represent. Each hon. Member could speak with respect to his own constituency, but so far from its being a fact in his (Mr. West's) case that there was a majority of 250 against him, there was when he came away a majority of 655 in his favour. If he were to found his expectations of success upon the past registry he was confirmed in this view; for upon the first day of the registry his hon. colleague and he had secured a majority of seventeen votes. There was a point to which he begged to direct the attention of the House—a point which, he believed, had not hitherto been adverted to during the progress of the debate. The dictation of the appointment of magistrates had never been assumed to itself by the old Catholic Association. He could not say the same thing of the new association. During Lord Melbourne's former Government of Ireland the law extended a portion of its protection to a very deserving class of his Majesty's subjects—he alluded to the Protestant Clergy of Ireland. At that period antitithe meetings were in the habit of being held. At some of those meetings Gentlemen in the Commission of the peace attended; and some of them, too, were presided over as he believed, by hon. Gentlemen, Members of that House—he alluded to the hon. Gentleman the Member for Westmeath, and to another hon. Gentleman the Member for Kilkenny County (Colonel Butler). There was, he believed, a third hon. Gentleman the Member for King's County; and all these hon. Gentlemen had been, as he understood, dismissed from their situations, whether of justice of the peace or deputy-lieutenant, in consequence of their having attended at those meetings. They were dismissed by the Chancellor of Ireland.

Colonel *Butler* rose to order. He had not been dismissed by the Chancellor of Ireland. He had himself resigned. The Lord Chancellor had called on him for an explanation, which he declined to give, and his resignation was the consequence.

Mr. *West*: In whatever mode the hon. Gentleman's resignation took place, the fact of his resignation, and of the Lord Chancellor having called on him for the explanation, was sufficient for his argument. It was, at all events, certain that the party with whom the hon. Gentleman acted had very generally expressed a desire to have him reinstated. On the 26th of August last, in the National Association, Mr. Finn observed that, "It was with great pleasure he proposed, as a member of the Association, the hon. Colonel Butler, who was one of that Mountgarret family whose blood had been shed in the field, or upon the scaffold, to support the rights of Irishmen. He was properly known as the poor man's magistrate, and he would tell Lord Plunkett that he was depreciating the character of the Irish Government. The hon. Colonel should be immediately reinstated in his office; and some broad hints should be given to Lord Plunkett, who, by his present line of conduct, proved himself to be an incubus on Lord Mulgrave's Administration." Such was the language, which had been received with shouts of approbation at the Association; and he believed he was right in saying that the hon. Gentleman who formed the subject of those comments, was reinstated in his office almost immediately after. Could it be denied, that in the National Association that re-appointment had virtually originated? The hon. Gentleman then quoted from a newspaper, which he designated as a Government organ, a passage which had appeared in it a few months since, and which described Ireland as in a state of "permanent agitation over six-sevenths of its superficial extent." He next adverted to the Irish Government Gazette, a copy of which for the year 1836 was in his possession. From this Gazette, it appeared that no fewer than 290 proclamations, respecting outrages of the most enormous description, had been published therein during the twelve months to which he alluded. Nothing but outrages of this description found their way into the Irish Gazette. Of the proclamations to which he had alluded, seventy-one were for actual murder. Of burnings the number was nearly equal. The catalogue of crime which this Gazette contained was altogether frightful. In any other country of the earth but Ireland such a catalogue would be alarming. In that country it was but a matter of every day recurrence. The Gazette of the last month, which he (Mr. West) had at that moment in his hand, contained so many as twenty-eight proclamations, respecting outrages of a similar description. Of these twelve were for murders; so that instead of seventy-one, as in the preceding year, if the average of that month were taken for the entire year, the number of these grievous crimes would amount, at the expiration of the year, to 144. And yet Ireland was asserted to be at the present moment in a state of unparalleled tranquillity. Why, there had not been a smaller sum than 15,000*l.* offered in the Gazette for the discovery of crimes during the past year. The general average of these sums might be judged from the fact that, in the case of James Walsh, of Winford, who, while standing peaceably at his door, was maliciously shot at, and wounded in the head and shoulder, the sum of 30*l.* was offered for the discovery of the offender. The House would thus be enabled to judge how multifarious must have been the offences with reference to which such a sum as 15,000*l.* had been offered in the shape of rewards. But, as a set-off to the 30*l.* offered in the case of Walsh, it was right he should observe that a sum very little less in amount, the sum of 25*l.*, had been offered for the discovery of the perpetrators of the serious offence of shooting a priest's dog. The noble Lord, the Secretary of State for the Home Department, had talked of imaginary maladies; he had quoted from the *Spectator* a passage about a man who, by dint of perusing medical treatises, had read himself into the conviction, at one period, that he was the victim of gout, and at another of asthma. He had further said that the Protestants of Ireland had all the apparent symptoms of aggrievement without any of its pain. He would state a case which would afford a satisfactory comment upon the noble Lord's excessive jocularity. For the accuracy of the statement he was going to make he could vouch, for it had fallen within his personal observation. In Galway county there resided a clergyman of the church of England, named Ayre. With Mr. Ayre he had the honour of being personally acquainted. There was no more respectable Gentleman in his private capacity; nor could any clergyman be found who in his character was more totally unexceptionable. The family to which he belonged, was, moreover, as respectable as any in Ireland. That clergyman had accepted an invitation to dine some months since with a friend in his neighbourhood. Some trivial occurrence providentially prevented him from fulfilling the engagement. Upon that very evening a gentleman, named Doyle, an attorney, was returning by the same road which the clergyman would have taken, had he accepted the invitation, upon returning homeward. Mr. Doyle was accompanied by his wife upon a jaunting car, and was stopped upon his journey by a number of armed ruffians, many of whom were mounted, and who demanded of him whether he was not Mr. Ayre. After satisfying themselves that Mr. Doyle was not the person whom they sought, they suffered him to proceed. He had not proceeded far, when he was stopped a second time by another party, equipped as murderously as the first. Again he was suffered to depart, his identity with Mr. Ayre having been denied and disproved. What, he would ask, was the object for which this second party was congregated? Doubtless, they anticipated the possible circumstance of Mr. Ayre's escaping unscathed from the toils of the first waylaying party. Mr. Ayre, however, had escaped; need he say, how providentially? But, finding how insecure was his life, and being obliged, notwithstanding, to remain in that part of the country for a living, he did that which was alone possible to secure a provision for his helpless young children. He attempted to effect an insurance upon his life. How was his application received? He held in his hand the copy of a letter which that rev. gentleman had received upon Saturday week last, the very day before he left Ireland. The letter was one of refusal, and was written to the following effect:—"The Directors of the Fire and Life Insurance office of Parsonstown were unwilling to risk an insurance upon the life of a clergyman belonging to the Established Church in the present state of Ireland, and Mr. Ayre was therefore requested to receive back the amount of his remittance." The letter was signed by Mr. Hassard, the agent to the company. To the honour of the efforts of the agitating association, be it told that this poor clergyman was unable, in consequence of the disturbed state of the country, to effect an insurance upon his life, no matter at what rate of interest; and his children were, therefore, left without the prospect of this friendly assistance. Why should the Conservative party of Ireland, who sought to sustain the injured clergy of the Established Church, in their efforts to collect their legal means of subsistence, be called "a miserable monopolising minority?" Why should the noblemen and gentlemen who had attended the late Protestant meeting in Dublin be so described? Had the noble Lord who had used that expression been present at that meeting, and witnessed the numbers and the high respectability by which it was attended, it was impossible that his candour could have permitted him to indulge in such a description. Not only had a large number of the resident nobility of the land been present at that meeting, but it had been attended by not fewer than 1,200 magistrates. The hon. Gentleman, the Member for Roscommon, had alluded to him, in connexion with that meeting. But he had no hesitation in asserting that he had not uttered at the meeting a single sentiment which could have given offence to a single human being. In the course of his experience he had met in Ireland with many Roman Catholic Gentlemen, upright, honourable, and generous in their disposition—men who had been at all times ready to extend the hand of good fellowship to their Protestant fellow-countrymen. He was sorry to be obliged to say, that the number of those Gentlemen was daily diminishing, through the efforts of the Association. There was one point in support of the justice of the motives by which the Conservatives of Ireland had been actuated in their late proceedings, which had not been hitherto adverted to in the debate. There was an Irish gentleman, well known to many hon. Gentlemen opposite—he alluded to Mr. Naper, of Loughcrew, in the county of Meath, who was, as every Gentleman in the House who knew him would admit, as respectable by his conduct throughout life as he was in point of fortune. Mr. Naper was as honourable a gentleman as any in Ireland. Having been to a certain extent identified with the politics of the Gentlemen who sat opposite, Mr. Naper, on being invited to attend the great Potestant meeting, expressed his disinclination, on the ground of the possibility of his attendance being interpreted into inconsistency. Mr. Naper's reply to the letter of the Marquess of Downshire contained such a testimony to the justice of their cause, that he could not refrain from reading to the House the following passage:—

"There was no measure of the present Government which I was more inclined to approve, for their tact and policy, than the manner in which they succeeded in doing away with the Orange societies of Ireland; at the same time, I must consider that the constitutional and manly way in which those societies, by the advice of their leaders, met their wishes, 'has been anything but fairly acknowledged or requited.'

"A society has been permitted to raise itself, as it were, upon their ruins, whose avowed objects and policy must, in my humble opinion, eventually destroy the Government itself—a Government which they affect to extol, but which they clearly show, by, their own conduct, they most heartily despise as composed of men who dared not take up those measures which they have declared can 'alone effect perfect justice for Ireland'—measures which there is too good reason to fear would eventually put an end to the religious and civil rights of the Protestants of this country—rights which I lament to see the feeble policy of the present Administration seems 'ashamed to destroy, but afraid to defend.'

"These are no times for half measures. I have read your address with attention, and think the unjust and ungenerous conduct of Mr. O'Connell and his followers towards the Protestants of Ireland fully bears out the prayer of your petition, to which I beg you will subscribe my name.

"Faithfully yours,
"JAMES L. W. NAPER.
"The Marquess of Downshire, &c."

The hon. and learned Gentleman sat down when he had finished reading the letter.

Viscount *Morpeth* addressed the House to the following effect:—As the matters of charge alleged against the conduct of his Majesty's Government in Ireland, especially in the course of the present debate, have not been freely and spontaneously brought forward, but have been dragged forth by the speech of my noble Friend, the Secretary of State for the Home Department; as my noble Friend in that speech addressed himself to the conduct of his Majesty's Government in Ireland, and the principle on which that conduct had been founded; and as holding the situation which I have the honour to hold I may not be considered a fair and impartial judge upon that question, I would willingly have avoided obtruding myself on the attention of the House on the present occasion. But, at the same time, so many things have been stated here and elsewhere (some of which, however, I shall hardly think it worth my while to stoop to notice), that, placed as I am with reference to the Government of Ireland, I cannot permit myself the indulgence of complete silence. I must also so far presume on the patience of the House as to observe, that whereas the speech of my noble Friend rested upon general and broad principles, and dwelt on large and important results, and was mainly encountered by isolated cases and minute details, I feel that in the situation which I have the honour to fill I may be compelled to go more into those cases and details than the House would expect any other Member to do. Sir, I have been twitted by the hon. and learned Member for Dublin with having taken time since the opening of the debate to prosecute my researches into the materials which I might consider it necessary to use in the course of it. It is surely no very great novelty that a person whose conduct, and the conduct of the department of the Government with which he is immediately connected, are arraigned, should suspend his observations on the subject until he ascertained the bulk of the accusations which it was intended to prefer. Indeed, if I had spoken last night, I should have missed the opportunity of adverting to the lucubrations of the hon. and learned Member himself. At all events, it cannot be alleged that I have taken much time to prepare my reply to the charges which have been brought against me. My noble Friend was immediately followed by the hon. and learned Sergeant, the Member for Brandon, in a speech which was undoubtedly distinguished by great ability, coupled, however, with an acerbity which is but too common in the hon. and learned Sergeant's effusions, and which prompts him to attack the character, the honour, and even the religion, of those who are opposed to him. The hon. and learned Member for Dublin who has also made a speech of great talent, charges this side of the House with attempting to fasten odium upon individuals, and with indulging in personal imputations. But does not the declaration of the hon. and learned Sergeant, the Member for Bandon, that no Member of the same profession as himself could hold office under his Majesty's present Government without degradation and disgrace, savour somewhat of personal imputation? Did not the hon. and learned Sergeant's expression, when he spoke of the Protestant members of the National Association, that they were persons "calling themselves Protestants," seem like a personal imputation? The first point o the attack of the hon. and learned Sergeant was directed against the rule established by the present Master of the Rolls in Ireland when he was Attorney-General, respecting the setting aside of jurors on criminal trials. The hon. and learned Sergeant admitted that this circumstance involved no imputation on the character of the Master of the Rolls, but maintained that it greatly impugned his discretion. In answer to this charge I will read an extract of a letter from Mr. O'Loghlen written soon after the establishment of the rule, and giving an account of its operation:—"I observe that they allude in the Address to the system of not setting aside jurors in criminal cases. If the subject shall be mentioned in Parliament, official returns (some of which were sent to the Home-office after the last circuit) will prove that the course pursued has worked well. There were more convictions under the new system, in proportion to the number of cases tried, than under the old. It has given to the people a confidence in the administration of justice which they had not when jurors were selected by the Crown, and juries in effect packed. The rule made by him did not prevent the setting aside of any juror to whom any reasonable or fair objection could be made, but merely directed that the Crown Solicitor should not set aside a juror, merely on account of his religious or political opinions." Sir, I can easily imagine that this general rule (like all general rules) may be attended with partial and occasional inconvenience. But it is a matter of great gratification to find that upon the whole this rule is not only right in principle, but has been successful in practice. Another prominent ground of complaint on the part of the hon. and learned Sergeant, and of some hon. Members who followed him, is the manner in which the prerogative of mercy has been exercised by the Lord-lieutenant of Ireland, on the occasion of his inspecting the gaols of that country. Sir, it is an inconvenience, that when any specific charge of such a nature is suddenly made, I have not the means of immediately laying my hands upon the documents which would enable me to answer it, when I am not accurately informed of the circumstances of the case. I do not complain of this: it is the inevitable consequence of the discussion, which I admit we on this side of the House have provoked and compelled. However, I will make a few statements with respect to the rule which I believe has guided the noble Earl at the head of his Majesty's Government on this point; and if it should be objected to, that those statements are not satisfactory, I can easily obtain the means of affording a full explanation on the subject. Since his first visit of inspection to the gaols, it has been the Lord-Lieutenant's invariable practice also to inspect all institutions supported by the public money. On his visits to the prisons my noble Friend is in the habit of receiving reports on three distinct points. From the local authorities he receives a report on the conduct of the prisoners during their confinement: from the medical men he receives a report of the state of their health: from the neighbouring gentlemen he receives a report of their previous character, and of the probability of their amended conduct. In the county of Tipperary, last summer, the noble Earl went farther on this subject than he had previously gone. It is well known that that county has the bad eminence of being distinguished by outrage and disturbance. It has been intimated that the feuds and factions of the Gows and the Poleens in that county have not met with sufficient discouragement from the surrounding magistrates, who have been influenced by the mistaken logic that when parties fall upon one another they will refrain from falling on any third party. Such a supposition exhibits a great ignorance of human nature—a great ignorance of the fact that when men are accustomed to acts of violence and steeped in blood, their fury is easily turned into any new direction. The inhabitants of the county of Tipperary responded in a remarkable manner to an urgent admonition which the Lord-Lieutenant addressed to them on the subject; several thousand copies of which were distributed in the county. An association was formed in the county for the express purpose of suppressing the outrages and disturbances complained of. At the sessions for the county the law was administered with great vigour by Mr. Howley, the able assistant-barrister for the county. Mr. Howley rejected the system of compromise which had before been so prevalent, when the parties came before the grand jury. Did any improvement in the state of the county of Tipperary take place? Let the following extract, from a subsequent charge, of Mr. Howley's, answer:—"That a great improvement has been thus brought about, appears by the official returns, which extend over a period of the last four months, during which the principal fairs in this county have been held, and which formed heretofore the battle-ground of the several factions. [Here the learned chairman read a return from Captain Nangle, chief magistrate to the Cashel district, stating, that twenty-six fairs had taken place from the 7th of January to the 26th of June, and no riots or fights occurred at them. Another return was read from the chief magistrate in the Nenagh district, Major Carter, stating that nine principal fairs had taken place since the first of April, and no faction fights had taken place at them.] I think I may here observe, that the law as it at present stands is quite sufficient to repress outrage, and punish crime, without having recourse to any new or more coercive enactments. It is much better to work with those laws which are familiar and constitutional, and see whether they cannot prevail, than, without a great necessity, rely upon the application of any act which, although it may punish crime, yet will want that full accordance and assent which yield to laws their best influence and power."

I will also read a letter, addressed to Mr. Howley by Mr. Yadlin, the Clerk of the Peace for the county of Tipperary:—

"Clonmel, Dec. 19, 1836.

"My Dear Sir—Your letter of the 16th I have been unable to answer until this day. I now forward you a return of the convictions at Quarter Sessions for the last three years, in which you will perceive very little difference, except in cases of bodily injury inflicted between man and man, a great increase in larceny cases, but the affrays or riots have decreased most wonderfully, as the number of convictions for the last year do not amount to the total of either of the two preceding years, although the greater part of the convictions under this head were of persons who ought to have been brought to trial before your appointment. I may safely say, faction fights are at an end, never to revive in this county. The only way to judge of the real state of the county is by the convictions; these speak facts not subject to newspaper misrepresentation. On looking over the informations for next Cashel and Nenagh General Quarter Sessions, I do not find one single instance of serious riot. This justifies my assertion, and will, I hope, convince you of the very improved state we are now in.

"Should you wish for convictions at Assizes, I can procure you copies of the different rules of court for any period you wish, on my hearing from you.

"I have the honour to be, my dear Sir, your most faithful servant,

"Yadlin.

"John Howley, Esq., &c."

Now the hon. Member for Dublin has made an attempt to refute the convincing part of my noble Friend's statement, by taking the state of crime at one period only, without giving a comparative view of that subject in reference to a former period. Sir, we do say, that the Government of the Earl of Mulgrave in Ireland is conducted upon upright and impartial principles, but we do not pretend, we have not the folly to imagine, that we have converted Ireland to a perfect paradise, or to a garden of Eden! The genius of a nation is not to be changed in a month or a year; but in the social and physical condition of Ireland, there is ample matter for wonder. It is a matter of wonder that there should exist so much patience and tranquillity there; and, when it is said—Ireland is disturbed, it might be as fair to say of London, that this country was in a dangerous state, because we have heard of a murder in Ratcliff-highway, or another in Edgware-road. But the hon. and learned Sergeant, the member for Bandonbridge, would have made a statement much more to the purpose if he had quoted the number of Returns of offences tried at Sessions; let him state the case of three who had been previously tried at the Assizes. Now what is the state of the Returns of the principal offences tried at Tipperary, at Nenagh, and Cashel Quarter Sessions? Let the House refer to them, because, whereas in the case quoted, the Returns were made up to the 1st of July last, the Returns to which I will now refer, are made up to last December, and even January. I find, by the Returns made by the Clerk of the Peace for Tipperary, of the numbers of indictments in the years ending the 1st of January, 1836, and the 1st of January, 1837, that the following is the result. I will improve upon the principle of the hon. member for Dublin, and I will take the two corresponding periods. It appears, then, there were—

	Year ending Jan. 1, 1836.	Year ending Jan. 1, 1837.
For Riots	262	65
„ Assaults	194	123
„ Rescues	153	57
Grievous Assaults	172	84
Forcible possession	24	15

I will now refer to one other county, namely, that of Kilkenny—the county, the alarming state of which was the direct and immediate cause of the Coercion Bill. Now I beg to read to the House an extract from the charge of the Chairman who presided at the last Quarter Sessions at Kilkenny, in which he says:—

"Gentlemen of the Grand Jury—The few observations which I shall have the honour to address to you, on the great and signal diminution of crime, and the improvement of the state of this county, are as gratifying to me as the facts are creditable to the county itself. Since I had the honour to be appointed chairman of this county I have had, at each succeeding Session, to congratulate you upon a sensible diminution of crime and the improvement of your social condition. On the last occasion, I had the satisfaction to notice, that although the number of indictments were apparently large, amounting to 129, yet the offences were in point of quality very trivial, and might for the most part have been disposed of at Petty Sessions, and not, unnecessarily, sent here for trial. But cheering as the condition of the county of Kilkenny then was, its present state is still more so; crime having not only been diminished, but almost extinguished. I find, at present, fifty-four cases to be sent before you, few, if any, partaking of any character of guilt that might not be found to exist in the most peaceful and orderly state of society, and most of which might have been, with great respect to the magisterial authorities, as I before stated, decided at Petty Sessions. Out of these fifty-four, there are nineteen cases of assault, all of a minor character; the rest are all petty larceny and trifling cases, which also ought to have been disposed of at Petty Sessions. In conclusion, I have again to congratulate you, gentlemen, on the peaceful state of your county, and the pleasing prospects which that state presents. It is a subject of additional satisfaction to me to state, and particularly worthy of remark, that there is not one case of riot, at fair or market, triable at these Sessions. I again repeat, with the most pleasurable feelings of satisfaction, that this county, distinguished heretofore for great turbulence and, I may add, crime, has become one of the most peaceable counties in Ireland."

It was during this progress of improvement and transition that the Lord-Lieutenant visited Tipperary gaol, and after making the most complete and diligent inquiry from the Governor and Deputy-governor of the prison, by whom he was attended, with reference to the cases of those who had been convicted of light offences, and more especially of those who had been convicted of sharing in those long feuds, which bore best their confinement; as to the case of those whose sentences were nearest expiration, and those who came from that part of the country where the fewest commotions prevailed; to these cases the attention of the Lord-Lieutenant, I say, was particularly directed, he acting upon the charges of the Judges in passing the original sentences, and with reference to the effect of the example to be shown, and his judgment being always dependent upon the consideration of what result a vigorous administration of justice might have on the improved state of the country. But this mode of proceeding on the part of my noble Friend the Lord-Lieutenant has either been attended with success or it has not; and let the House decide that point. I say, however, do not trust to my representations alone, but allow me to refer you to documents. I have here two letters, which were intended to be private, but they are addressed to me in my official capacity, and, therefore, I consider myself at perfect liberty to put the House in possession of their contents. One of these letters is from Mr. Howley, bearing date, the 27th of January, and I could not well have better testimony than this document. He observes:—

"The civil business of the present Session I never recollect to be so heavy, nor the Crown business so light. The mercy extended by his Excellency, during his visit to his country, has fallen with a softening influence upon the popular mind, and has contributed much to the tranquillity which prevails."

I lately chanced to receive a communication on another subject from the County-Sergeant of Tipperary, dated, Clonmell, Feb. 3rd, 1837. He says:—

"My Lord—Having lately seen some attacks on the Government, in consequence of the liberation of prisoners by his Excellency the Lord Lieutenant, last summer, I take the liberty of informing your Lordship, that out of fifty-seven prisoners discharged from our county gaol, by the Lord Lieutenant's commands, only one has been recommitted, though the interval that has elapsed is nearly six months. This solitary case is that of an idiot."

I certainly thought myself, when I first read this preliminary passage, that it did not tell much in favour of the selection of cases which had been made. But the writer adds:—

"This information your Lordship may rely on, as I have taken care to ascertain its accuracy; and further, it has scarcely ever occurred, that any such number of persons has left the gaol without some of them having been recommitted, even within a much shorter period. It is, therefore, quite certain, that in this county his Excellency's clemency has been attended with the best effects. I have the honour to be,

"Your Lordship's very obedient humble Servant,

"Dennis Phelan,

"Surgeon to the County of Tipperary Gaol."

Now, I do not say, that we have cured the evils of Ireland, but, I contend, that we have very much improved her social condition. I have here, too, another letter from a person at Tipperary (addressed to the head Commissioner of the Police), who, it seems, had made an application for a person in whose welfare he was interested, and, he says:—

> "That the signatures to the certificates sent might be confirmed; and that no doubt the party would prove an acquisition to the establishment, and that the grievance of the applicant was of a new character, Tipperary being so quiet that the police had no business to do there."

Now, Sir, the same causes and circumstances which have been so observable in the county of Tipperary have all operated in other parts of Ireland, and have led to a corresponding exercise of the prerogative of mercy on the part of the Lord-Lieutenant. I believe I might appeal to several of the hon. Members who represent counties in Ireland, and who are now present; but I feel I need not trouble the House with the written testimonials of those gentlemen who accompanied his Excellency the Lord-Lieutenant, to bear witness to the extreme caution which he exercised in the selection of the proper objects for clemency. I am apprised by these gentlemen, that the Lord-Lieutenant uniformly required the joint recommendation of the Governor of the gaol and of the local Protestant inspectors—that he rejected firmly, and in spite of all remonstrances, the applications of those who had been committed for civil offences; and almost universally, the cases of those the greater part of whose sentences had not expired. Sir, the hon. and learned Sergeant, the Member for Bandonbridge, quoted a case from Sligo, in which the sentence was commuted from that of death to nine months' imprisonment. This fact goes to show the circumstances under which that commutation of punishment was made, or it speaks little for the state of the law in Ireland. The hon. and learned Member for Dublin University stated, that this case was gone through in two hours, and that it was decided upon instinct of course. This was, certainly, a very candid and liberal suggestion on the part of the learned Gentleman. I have already spoken of the laborious pains which the Lord-Lieutenant took under the circumstances; and, it must be remembered, that the memorials in each case were laid before him, and formed the subject of very grave deliberation. The hon. and learned Sergeant has quoted a correspondence which took place between the Private Secretary of the Lord-Lieutenant and the local Inspector at Lifford. The learned Sergeant chose to put me down when I referred to this part of the subject on a former occasion; but I hold copies of the correspondence in my hand, namely, of a letter from Colonel Yorke, the Private Secretary to the Lord-Lieutenant, to the rev. Mr. Clarke, the local Inspector at Lifford. And I must here declare that, with respect to the discharge of the duties of local Inspectors by the Protestant clergy—the Protestant clergy discharge them with perfect fidelity, with great discretion, and with unremitting zeal. The learned Sergeant has reflected with some asperity on the circumstance of the Lord-Lieutenant having desired, that the proper authorities should furnish him with some of the names of the persons entitled to mercy in Lifford gaol—a gaol which is much celebrated for the excellent management which pervades its internal arrangements. In passing through the town on his tour, it did happen that it was not in the power of the Lord-Lieutenant to visit the gaol, but he thought that he should be wanting in respect to those whose skill was so manifest if he did not give them some opportunity to point out such persons as they might think proper objects for the exercise of clemency. Now the learned Sergeant quoted only the beginning of the correspondence in question, but I must carry his attention, and that of the House, a little further. Mr. Clarke says:—

> "Lifford, August 13, 1836.
>
> "Sir—Agreeable to your wish, expressed in your letter to the Governor, I have with him selected such cases as we feel justified in recommending to his Excellency's humane consideration.
>
> "With reference to those convicted of assault, I have not recommended any case in which there was waylaying proved, or any other circumstance of an aggravated nature. In all cases recommended I have been influenced by a feeling of commiseration for the innocent families of those confined.
>
> "I have the honour to be, &c. &c.
>
> (Signed) "E. M. Clarke,
> "Local Inspector and Chaplain."
>
> "Lieutenant-Colonel Yorke."

Colonel Yorke, in his reply, states that these cases will be considered by those to whom such cases were referred. I believe that in every case except one the list of persons committed to gaol has been forwarded to the castle by the high sheriff. This, however, did not occur in the case of Meath, owing to a mistake on the part of the high sheriff, which irregularity nevertheless has not been continued. Col. Yorke says "That the Lord Lieutenant felt himself, in cases where individuals had been accused of breaches of the Revenue-laws, strongly impressed with the conviction of enforcing the full punishment." This then led to a further correspondence, which Mr. Clarke thought it better should be published in the papers of the county, and this was accordingly done, and the letters so published led to some severe animadversions and reflections in *The Evening Mail*. I will now only quote one more document, it being an answer which was writen to *The Londonderry Sentinel*, in consequence of what had appeared in the *Evening Mail*, which article certainly afforded and evinced a good sample of that system of misrepresentation which has obtruded itself into the Mansion-house of Dublin, and has even found its way into the Commons' House of Parliament. The article to which I refer is this :—

"Copy of a letter from the Rev. F. M. Clarke (Local Inspector of the Gaol at Lifford, county Donegal, to the editor of *The Londonderry Sentinel* :—

"Six persons convicted of assault, sentenced some to six months, one to four, and four to three months' imprisonment, with ten convicted of a breach of the revenue laws, were recommended on the ground that their offences were not of an aggravated nature, that each had a large family depending on him for support, which in no degree participated in his guilt; and his absence from which, at this particular season, might prove ruinous. Of these so recommended his Excellency liberated six confined for assault, and two for illicit distillation.

"The correspondent of *The Mail*, in his letter to which the caustic remarks on mine are appended, asks, 'How many Protestants his Excellency has discharged?' and answers his own question by saying, 'not one.'

"On this point I have to observe that, of the sixteen recommended here, three were Members of the Established Church thirteen were Roman Catholics.

"Of the nine discharged, four were Members of the Established Church, five were Roman Catholics.

"I remain &c.,
(Signed) "E. M. Clarke.
"Lifford, Sept. 16, 1836."

Now this, I will say, is a goo sample of stating facts specifically; and with some truth the hon. and learned Member for Dublin declared he did not like adverting to facts. I am now about to speak to this dearest and most valuable exercise of the prerogative. I do not mean to contend, and I am sure no hon. Gentleman would, that the exercise of this privilege would establish a good system for permanent practical operation; but under the peculiar circumstances of time and country I believe it to be perfectly justifiable; and I believe that its exercise under the circumstances which pervaded this case was of considerable use, and that much benefit has resulted therefrom. But, Sir, severe strictures have been made upon the use which the noble earl the Lord-Lieutenant has made of the same prerogative in former cases which have been brought before him, of prisoners who have been sentenced, and whose sentences he interfered with, the Lord-Lieutenant not having first taken the opinion of the judges. Now, I take upon myself to say, that the present Lord-Lieutenant has not been surpassed by any of his predecessors in that most laborious consideration which he has bestowed on all the criminal cases which have been brought under his notice, and which has formed the most onerous part of his duties. I will also take upon myself to say, that it is, and always has been, his rule and practice to refer all cases to the judge who may have presided at the trial of the prisoners, when the point turns upon the circumstances connected with the trial itself. It has always been the custom in Ireland (and I believe also in England), that where special grounds are put forward, or upon numerous strong local representations being made, where the offence is of a minor description, the judges who have been referred to, have allowed the Lord-Lieutenant to exercise the prerogative of mercy. And, indeed, when some mixed cases have been referred to the judges, those learned personages have replied to some parts of such case, and have stated that other portions of it rested under the peculiar jurisdiction of the Lord Lieutenant. As an instance of the way in which the Lord-Lieutenant of Ireland has shown his want of respect for the authority of the judges—(I should be the last man to impugn the respect due to the character of a judge but I must hint that that respect ought to be reciprocal to the respect due to the representative of the Sovereign)—the learned Sergeant has brought forward a case which was tried before the Chief Baron, and I owe an apology, perhaps, to the learned Gentleman for the exclamation I made on that occasion, when I said the case had occurred last year. I did not, however, do justice to my exclamation because I should have said the year before last, though I do not mean to say, that this would be a justification if it had occurred three years ago. But, Sir, what led to my exclamation was the fact that this charge had been already served up to us in July, 1835, on the motion of the hon. Member for Londonderry, and I thought the matter had been fully disposed of. I must say, that when I found the learned Sergeant had bottled up this story of the Chief Baron I was surprised. The opinion of the Lord-Lieutenant had been given to the Earl of Haddington. The Protestants, who were supposed to be the parties aggrieved, had the lighter punishment allotted to them, whilst the Roman Catholics had the heavier. But it was after the expiration of the period of confinement extended to the Protestants that the jury unanimously came forward to petition that a similar exercise of mercy might be manifested to the Roman Catholics, they having been already a longer time imprisoned than the Protestants. His Excellency took an opportunity of looking at the original notes of the case, and of considering the judge's opinion, and thinking that a sufficient period of confinement had been allotted to both parties, he assented to the enlargement of the Roman Catholics. Upon that occasion, in the year 1835, I remember the name of the Countess of Mulgrave was brought forward for having obeyed the impulse of her gentle and charitable nature, and expressed a wish in favour of a prisoner from whose wife she had received a letter; and I really had hoped that her name would not again have been brought forward, even to appease the dignity of my Lord Chief Baron. But we have not yet done with the misconduct of the Government in the last year. The hon. and gallant Member for Donegal says that the liberation of Mr. Reynolds was a most unjustifiable step. He stated further, that not only had we committed the enormity of acting upon that occasion without the concurrence of the learned judge by whom Mr. Reynolds was tried, but that we acted in direct opposition to his opinion, after it had been asked and obtained. The hon. and gallant Member is mistaken. We did not ask the learned Chief Justice of the Common Pleas for his opinion as to the propriety of mitigating the sentence passed upon Mr. Reynolds; but from what transpired through the ordinary channels of information the Lord-Lieutenant felt himself called upon to ask for the notes of the trial, for the evidence taken upon the trial, and for the charge delivered by the learned Chief Justice to the jury. These documents, when obtained, he immediately submitted to the legal advisers of the Crown, to the Attorney-General, the Solicitor-General, and the Lord Chancellor, and it was in consequence of their unanimous opinion, as expressed after an inspection of these documents, that the Lord-Lieutenant ordered the immediate liberation of Mr. Reynolds. This happened in November, or, at the latest, December, 1835; yet upon this grossly unjustifiable step until last night not one word has been said in either House of Parliament, either in the way of reproach to the Government, or vindication of the offended dignity of the Lord Chief Justice of the Common Pleas.

Colonel *Conolly*: I beg the noble Lord's pardon. I alluded to the subject myself not long after the transaction took place.

Viscount *Morpeth:* I am reminded of what I had certainly at the moment forgotten. I remember that the subject was mentioned in this House, but only mentioned, I believe, because we on this side of the House had dared the hon. Gentlemen opposite to bring the case forward if they had any complaint to make upon it. Thus it certainly happened that the subject was mentioned, but no motion or subsequent proceeding was founded upon it. The right hon. and learned Member for the University of Dublin has, in the present debate, applied himself chiefly to the subject which also engaged his eloquence at the meeting at the Mansion-house in Dublin, namely the selection of sheriffs for the year 1836. This likewise appears to me to be a matter of last year. My noble Friend's (Lord John Russell's) charge against the hon. Gentlemen who sit on the opposite side of the House was, that they shrunk from bringing forward in Parliament those charges which they urged with so much vehemence in places where the Government had no power of reply. How does the right hon. and learned Gentleman meet this? In the month of July last the Earl of Mulgrave attended for several successive evenings in his place in the other House of Parliament. My hon. and learned Friend near me corrects me and says that it was in May that Lord Mulgrave attended in his place. At all events he was there for several nights in the course of the summer, and listening to the speeches of to-night and last night, one would have supposed that such an opportunity of bringing him to an account for his government in Ireland would not have been lost by the hon. Gentlemen opposite. The right hon. and learned Gentleman in the course of the debate on the present occasion has gone into most lengthened and laborious proofs to establish that which we have never denied, namely, that in nine cases the judges' list has been departed from and other persons substituted to fill the office of sheriff. And we gave the reason—the Earl of Mulgrave gave the reason for so doing, The Earl of Mulgrave stated in his place in Parliament the reasons which had induced him to put aside the recommendation of the judges on the appointment of sheriffs. I think the hon. Gentleman will find that the Earl of Mulgrave did on that occasion state that he had felt it to be his duty to put aside all gentlemen recommended to the office of sheriff who were in any way connected with Orange lodges, or, to use his words, with a recent exclusive political society. The hon. and learned Gentleman says that those words were framed with great sagasity, so as to avoid a reference to any one who belonged to the General Association At all events, my noble Friend must be entitled to the merit of great political foresight in so framing them, because the occasion when they were used took place six or seven months before the General Association was formed, and before he could properly anticipate the perverse and wayward course of policy which ultimately gave rise to that Association. The right hon. and learned Gentleman says, with a gravity and solemnity of face which I own quite astonished me, that in May, 1836, the fact was not known that in the preceding month of February we had, in nine instances, departed out of the judges' list. Why it was as notorious as the sun at noon-day; the newspapers attached to the party to which the right hon. and learned Gentleman belongs were ringing with it.

"From night to morn, from morn to dewy eve"

Yet the only charge brought forward in Parliament against the Earl of Mulgrave was, that he had improperly departed from the judges' list in the case of Mr. Leigh. Upon further inquiry, it appeared to the noble Earl that he had been misinformed with respect to that question, and when his name appeared again in the list for the succeeding year, he lost no time in appointing him. The course which led to the setting aside of the other names upon the list was resolved upon in the month of December, 1835, it was promulgated in February, 1836, we were in our places in Parliament during the whole of the Session, Lord Mulgrave was present in his place in the other House in the month of May, and yet, till the holding of the meeting at the Mansion-house in Dublin, in the month of January, 1837, no accusation has been brought forward against us impugning the propriety of that course. The right hon. and learned Gentleman has tried to justify his case by going into some long details respecting the character and qualification of the gentleman who was to fill the situation as sub-Sheriff for Wexford. He has questioned the fitness of Mr. Corcoran to fill the office. I believe him to be a gentleman of great respectability; and as a tolerably strong testimony to that fact, as well as to his utility, I may mention the fact of his having been selected as electioneering agent for the late lamented Mr. Kavanagh. I do not know whether the hon. and learned Gentleman would have preferred the continuation in office of the previous sub-Sheriff, Mr. Reid, who, upon a quantity of corn not being bid for at a tithe auction, bought it himself, and set fire to it in the sight of a destitute and excited multitude. I know not whether the hon. and learned Member would have had that person continued in his office; but so strongly did the Government feel the propriety of not running the risk of re-appointing him, that they addressed a note to the proper quarter expressing a hope that Mr. Reid would not again be named upon the list of sub-Sheriffs. That note was promptly replied to. Mr. Reid retired, and Mr. Corcoran became his successor. Passing, then, from the case of Mr. Corcoran, I come to that of Mr. Cassidy, which has been made the subject of much severe comment in the course of the present debate. It is a complaint very general throughout Ireland, and no where more prevalent than in Queen's County, that there are to be found upon the bench very few magistrates who profess the same faith or sympathise with the opinions of the great majority of the population. I do not mean to say, that this should stand as a reason for appointing or rejecting any particular person, but it was undoubtedly a fact much to be lamented. Several names were forwarded to Lord de Vesey, the Lord-Lieutenant of the county—against whose integrity or honour I should be the last person in the world to say a word—as fit and proper persons to fill the office of sub-Sheriff. Lord de Vesey did not think fit to approve of those names, and an appeal was in consequence made to the Lord Chancellor and to the Irish Government. An inquiry took place. Lord de Vesey stated his objections to the names forwarded, and the grounds upon which those objections were founded. In the instance of Mr. Cassidy it appeared that his objection rested upon certain proceedings before the court of quarter sessions, with which that gentleman had been connected. The case arose, I believe, out of a demand for county cess, which Mr. Cassidy contended was improperly levied upon him. It turned out that when the demand was about to be enforced, some persons in Mr. Cassidy's employment offered a forcible resistance, and a disturbance ensued. I am told that Mr. Cassidy unequivocally expressed his disapproval of the conduct of his servants, although of course he was compelled to bear the weight of the damages incurred in consequence of it. Mr. Cassidy was recommended to the Government by several gentlemen in the county of high station and great respectability. The hon. Gentleman opposite shakes his head as if that statement were not true. [Mr. *Vesey*: Will the noble Lord name one?] I am in possession of the names of several, and could mention them, if I pleased; but I really do not know whether I should be justified in bringing them forward in this way. I state the fact upon my own responsibility. Persons whom I think to be respectable, recommended Mr. Cassidy to the Government. His father had been reported to be one of the best magistrates in the county of Kildare, and in the King's and Queen's counties. His younger brother is a magistrate and sheriff for Kildare, and he himself holds the commission of the peace for King's county, to which he was appointed by Lord Oxmantown, no great advocate of agitation or repeal. But the utmost thunders of the opposition seem to have been reserved for the appointment of Mr. Pigott. Now there is no nomination upon which, both on public and private grounds, I take more cordial pleasure. I do not know a person of whom I have a higher opinion, or for whom I anticipate a more successful career, whether in the estimation of his fellow-citizens, or in the first walks of his profession. He is a member of the Association. That he has often appeared there or taken any prominent part in their discussions, or delivered any of his sentiments there, I am not aware. The last time in which I saw his name mentioned as connected with the proceedings of the Association was when that body was very near passing a vote of censure upon him. But, undoubtedly, I do not disguise that there are many members of the Association who entertain or profess opinions widely at variance with those of the Government under whom I have the honour to serve. But I apprehend that in availing ourselves of any benefit which may be received from the advice of Mr. Pigott, we in no way remove any responsibility which his appointment may impose either upon the Lord-Lieutenant of Ireland, the chief law officers, or myself. For my own part I can only say that I shall most willingly share in any responsibility which may be supposed to result from his appointment. With respect to the Association, it is impossible to maintain that the existence of such a body, and the extent to which it carries its functions, can be said to indicate a perfectly healthy state of society, or that we could contemplate its permanent establishment without giving rise to serious uneasiness and jealousy on the part of the local Government. I am, therefore, the more tempted to bewail that mistaken and perverse course of policy which made its establishment and its wide-spread and daily-increasing influence a natural and, whilst men's natures continue what they are, an inevitable consequence of the provocation that had been offered. I have yet to learn from the opinion of any competent authority that it is an illegal body. No Gentleman opposite has ventured to state a positive opinion upon that point. The hon. and learned Sergeant (Jackson) spoke strongly in support of the opinion that it was illegal, but he did not so far commit himself as to declare positively that it was. The right hon. and learned Recorder for the city of Dublin (Mr. Shaw) said, that the Association was clearly against the spirit, if not the letter of the law. A tolerable presumption, I think, that he does not consider it against the letter of the law. I cannot suppose that the hon. Member for Dublin (Mr. West), who spoke last, believes it to be illegal, because he fortified the opinion he expressed upon it by quoting a passage extracted from a speech made by Mr. Canning, in which the same grounds of illegality were imputed against the predecessor of the present Association, namely, the Roman Catholic Association. Thus it appears evident, from the tone adopted by the hon. Gentlemen opposite, that they do not consider this body to be clearly and manifestly an illegal one. At all events, most happy am I to be the servant of a Government who will not prefer to introduce new laws for its suppression to removing those just causes of complaint which are the pretext and the aliment of its being and its vigour. A great attempt has been made on the opposite side of the House to impute a variance of opinion to different members of the Government. I do not anticipate any difference of opinion as to the practical course to be pursued. I suppose I must leave the question of what composes an exact identity of opinion in an Administration to be contested and settled by the hon. members for Down and Tyrone. Having now gone through most of the specific cases that occur to my memory as having been alleged against us, I must say with respect to all the general and sweeping charges of our being a disgraced and degraded Administration, and holding office wholly subservient to the dictation of one single individual, that while those who think these things are welcome with all my heart to their thoughts, I may meet them with a denial as broad and absolute as the tone and mode in which the expression of them has been advanced. I know that such charges have not been confined to this assembly—I know that they have lately been uttered in other places of high-sounding names. I am sorry to identify or to associate either patrician titles, or the Protestant cause with the utterance of slander. I know that every latitude must be given to the fervour of excited eloquence, and, therefore, it is not to the speech of any noble or reverend orator that I refer. Their speeches might be misreported; besides no man would be compelled, and few, perhaps, disposed, to read them. But at the late meeting at the Mansion-house, Dublin, I find there opinions set forth in an authentic, premeditated, and deliberate form—in the form of a resolution receiving the full sanction of the meeting:—"Resolved, that the patronage of the Irish Government and its prerogative of mercy have been abused to the furtherance of purposes injurious to the peace of the country, the administration of its laws, and the stability of British connexion—that partisans have been placed in office as assistant-barristers, as magistrates, as officers in the constabulary and police, whose recommendation, in some instances, has been their unscrupulous attachment to a faction; and that appointments made in this spirit have been subsidiary to the creation of fictitious voters, and have greatly prejudiced, in public opinion, the administration of justice." Now I should be unworthy of holding a situation under the present Government, and should be unworthy of appearing in this House, or before any assembly of my countrymen, if I hesitated to brand this resolution as a tissue of the most unfounded and most unbecoming imputations, from its beginning to its end, in every line and every letter. Yes, it is easy for you to condemn our exercise of patronage. We assert that your imputations are unfounded. Whenever you bring forward a name, I am ready to meet you. With the assistant barristers who have been appointed under the Government of the Earl of Mulgrave, and who, in the resolutions of the Mansion-house meeting, are made subject to such dishonouring imputations, I have the pleasure and the honour of a personal acquaintance; and I take it upon myself to say that in probity and honour they are equal to every one of those who attended that meeting; and judging of the character of the members from the proceedings adopted at this meeting, in sense, ability, discretion, and moderation, I will institute no comparison between them at all. I have many papers in my hand relative to the cases tried before those Assistant Barristers. I will not go into them here; not only because I do not think this House the fit arena for a discussion of the kind, but because a Committee has been recently appointed before which it might very properly be brought, if to any hon. Member there should appear to be a necessity for further investigation. But three names—I omit all the others—have been specially signalled out as subjects of reproach and suspicion—the names of Messrs. Hudson, Gibson, and Fogerty. In the case of Mr. Hudson, I beg to state these facts in reply to the insinuations that have been made against him. In June last he rejected seventeen Liberal claimants who were tenants to Mr. Vigors, and subsequently nine others, all of whom were admitted to the franchise upon appeal to Judge Johnson, at the last summer assizes. Similar claimants had been before admitted by Mr. Hulstonge Robinson, the Conservative assistant barrister, and also by Mr. Moody, but Mr. Hudson rejected them. There has been only one appeal by the Conservatives from his decisions, upon the question of value. Fully one-third of the Liberal claimants have been rejected by him at the sessions. The average number of notices served was four hundred at each sessions. With respect to Mr. Gibson, I will only say, that in *The Leinster Express,* an Orange local journal, there is an article, published in the beginning of last November, attacking the apathy of the Conservatives in the county, for not coming forward and stating that Gibson registered fairly and impartially, upon the principle of the beneficial value, and that the Conservatives had thus an equal chance with the Liberals, if they would come forward to the registry. I find, too, this practical result of the registration in Leinster, for the years 1835 and 1836. At the winter assizes, of ten Conservative claimants, nine were admitted, whilst of ninety-six Reform claimants, twenty-seven only were admitted; and again, in the spring assizes of 1836, out of eight Conservative claims, seven were admitted, whilst of 103 Reform claimants, only four were admitted. The hon. and learned Member for the city of Dublin, who spoke last, alluded to the course pursued by the magistrates of King's county towards Mr. Gibson, the assistant barrister; but that circumstance has already been fully gone into by my noble Friend who opened the debate, by whom the reason of that proceeding was amply exposed. I will merely say, that at all events, the magistrates made a speedy atonement to the assistant barrister; because, after having removed him from the chair, they found themselves constrained to call upon him for his assistance in making the charge to the grand jury. Another part of the resolution which I have read embraces the officers of the constabulary and police. With respect to those persons who have been appointed officers in the constabulary and police, I, of course, have not had the same means of making a personal acquaintance with any of them as I have had the pleasure of doing with the assistant barristers. I can only say, that they were recommended to us from quarters on which we thought we could place the fullest reliance, and that the qualifications of all of them were submitted to the personal scrutiny of the distinguished officer at the head of the establishments. One qualification I admit they have not possessed; they have not been recommended by the hon. Members opposite, nor by their friends and supporters. We admit that they are in no hurry of attack. In this we admit that they are eminently defective. They are eminently defective also in persecuting Protestantism. Talking of persecuting Protestantism, the hon. and gallant Member for Donegal had attempted to be witty at the expense of my noble Friend, the Member for Leitrim (Lord Clements), because he was not at that meeting; but my noble Friend wanted one requisite qualification; for, in the first place, it was necessary that all must be Protestants who were admitted, but, further than that, they must all be aggrieved, Protestants. Now my noble Friend did not admit that he was aggrieved, although he was quite ready to go to the meeting, and most worthily might he have been admitted, for a more honourable, a more upright, impartial man does not exist than my noble Friend. I think that the hon. and gallant Officer will feel that my noble Friend has satisfactorily proved that he was not entitled to be present or to be heard at that meeting. Now, with respect to the exercise of patronage, whatever the requisite qualifications have been, and the selection has been necessarily confined to a few persons—as, for instance, to the superintendents of hospitals, or to the higher and more responsible functionaries of education—I can venture to say, no Government could have gone further than Earl Mulgrave's Government in making the appointments exclusively in reference to the highest degree of fitness of the person who was candidate for the office. And if, in doing this, we have not always had the pleasure of appointing persons friendly to us, in the ordinary exercise of patronage we have followed that selection amply enough; where our path, too, was illuminated by the proceedings of our predecessors. The head and front of our offending is this, that we have preferred our friends and supporters to our avowed adversaries, our open villifiers, and our insidious underminers. Such has been hitherto the policy of the government of Earl Mulgrave; and in spite of all that shall be alleged or charged against us, such it will continue. Upon the general principles on which the Government of Ireland ought to be conducted, I feel that it is beyond my present province, and perhaps out of my place to enter. Albeit I am myself connected with the local government of Ireland, yet I will say, as my noble Friend has most correctly stated, that the head of that Government has had the happiness of carrying it on with perfect union and harmony of feeling, and that the House will perceive that they have enjoyed the confidence of the central Government at home. With respect to my own individual share in the conduct of that Government, I have reason to believe that my own constituency—certainly not the least numerous, not the least industrious, not the least religious, not the least Protestant in the empire—have not withheld their confidence from me. The impression upon me grows stronger day by day, that if they do not carry on the Irish Government in any other system—in a system of repression, in a system of alienation, in a system of keeping back the people of Ireland, or in keeping back and keeping down the Catholic laity of Ireland, or in keeping aloof from the Catholic clergy of Ireland—I do not mean aloof with respect to the honours and profits of the state, but from all confidence, assistance, co-operation, and good will—a pretty task our successors will have in putting down the Catholic Association; but not content with that, the hon. and learned Sergeant has thrown in the putting down the Roman Catholic hierarchy. But to carry on that Government on any other system than one of kindness, of conciliation, and of equal and impartial justice, is a plan which will be attended with enormous risks in Ireland and in England. Whatever partial difference may exist, whatever partial prepossessions may exist, if you ever come to make the critical demand, I doubt you will find very little alacrity on the part of the people in bestowing the necessary quantity of blood or treasure to keep up or perpetuate such a system. I have touched upon what relates to our own department as a Member of the Irish Government. It is the department of Parliament, and of this House primarily, to determine whether the policy of the executive shall be ratified, followed up, and extended by the proceedings of the legislative department—whether what we can generally manifest but in spirit and in intention, you will convert into a living and lasting enactment—whether you will change the favour that now may be bestowed upon them by any individual into a deep-rooted, because well-grounded, attachment to the laws that are equal, and the constitution that is common. And, with such views, and in such a course, you cannot take a better or a more effectual step than by giving your votes to the measure of my noble Friend this evening.

Mr. Sergeant *Jackson* begged, in explanation, distinctly to state that the letter to which the noble Lord had referred, as having been read by him (Mr. Sergeant Jackson), was a genuine letter, and was addressed, not to the inspector, but to the governor of the gaol.

Sir *James Graham:* I confess that I have waited with some impatience during the long and somewhat desultory discussion which has taken place, to hear the defence of the Irish Government from some one of the confidential advisers of his Majesty. The hon. and learned Gentleman the Member for Kilkenny, was pleased last night to throw out some taunt with regard to coalitions on this side of the House, and the hon. and learned Member for Bath was pleased also to point a sarcasm at my inconsistency. Now, Sir, I have been guilty of no low intrigue; I have done nothing secretly or covertly. Everything which I have done has been done in the face of day. I have concealed nothing. I am ashamed of nothing. I have sacrificed no principle. I have compromised no opinion. I rejoice in that union which prevails on the bench where I have the honour of sitting. No effort on my part has been wanting to effect it; none shall be wanting to cement and perpetuate it. And I declare that after contemplating the dangers which surround this country, and in the face of the combination, dangerous as I think and unnatural, which I see on the benches opposite, the vindication of my conduct is easy. If I wanted a defence, I would refer, in the presence of my country, to this single fact, that when the Government of the Lord-Lieutenant of Ireland was charged last night distinctly, in a speech of great force and of detail, by my hon. Friend the learned Sergeant behind me, the defence of that Administration was not intrusted to any of the Colleagues of the Lord-Lieutenant—the charge was not answered by his Secretary; but it devolved very naturally upon the recent guest and favoured friend of the Lord-Lieutenant, the hon. Member for Kilkenny. Sir, I really address you with some difficulty; I see so much agitation on the benches before me. I have also in my eye the hon. and learned Member for Bath, who read us last evening so pointed and useful a lecture on the mode and manner in which we should deliver our sentiments. The hon. Member appeared almost in the character of the master of the ceremonies on the occasion, a very appropriate character for him to assume, representing as he does the ancient subjects of Beau Nash. But notwithstanding all his agitation, and notwithstanding the criticisms of this *arbiter elegantiarum,* confining myself to the rules of the House, which you, Sir, will always be found ready to enforce, and which every Gentleman on this side of the House will always be found anxious to maintain, I will endeavour, with all the frankness and plainness which becomes a commoner of England, to express my sentiments on the present occasion. Very early in the course of the discussion the noble Lord opposite introduced the authority of Mr. Fox, who contended that the real system of governing Ireland was to meet each succeeding demand of the people of that country by successive concessions, and that while they remained unweary in demanding we were to be untired in granting. The noble Lord, I say, cited the authority of Mr. Fox, and he appeared to me to cite it as if he thought it would be treated with disrespect on this side of the House. I speak not for others, I can only answer for myself; but that name can never be mentioned without exciting my attention, and demanding my most profound respect. Mr. Fox, as I humbly conceive, was really a great statesman. His was the capacious mind to grasp and comprehend the great first principles of Government—his was the Godlike gift of eloquence, with power and perspicuity to enforce them; but his was also the no less important and necessary gift of applying those great first principles of Government to the circumstances of the country, and the times in which he lived and acted. There is a relative of Mr. Fox in the present Administration, Lord Holland, his nephew. I once was favoured with the friendship of that noble Lord. It is impossible ever to have known and not to continue to remember the superior nature and the high intellectual attainments of that noble Lord, and not to retain for him a permanent attachment. That noble Lord has told us, in a pentameter verse of old monastic Latin, what was the policy of the present Administration:—

"Quæ perpetuo sunt agitata manent."

Now, I will translate "*Quæ perpetuo sunt agitata,*" thus—those who perpetually yield to agitation; but "manent," how shall I translate that? why they remain in Downing-street, and contrive to keep their places. The noble Lord opposite talks of all the symptoms of the gout without the pain. I would ask the noble Lord if he ever heard of an Administration with all the functions of Government without the power. It is vain for him to cite to me the authority of Mr. Fox in defence of such policy and such proceedings. I demur to his authority on that point. I contend that if Mr. Fox had lived to see the day when the Test and Corporation Acts had been repealed—when Catholic Emancipation had been granted—when a Reform Bill had passed, extending the suffrage both in Great Britain and Ireland—when the Protestant hierarchy of Ireland had been greatly reduced, one half of its bishoprics being annihilated—when the church-cess had been cast upon the property of the Church, to the relief of the occupiers of the soil—if Mr. Fox had lived to see these things granted, if also he had lived to see proposed on the part of that "exclusive minority" to which the noble Lord has referred, the free and complete surrender of their "exclusive corporations," attaching only one condition to that proposal, and the power which it is proposed to abolish should not be transferred from one exclusive body to the other—if he had seen the frank tender made of the settlement of the tithe question upon the principle of remitting thirty per cent. on the total amount, and casting it entirely on Protestant landlords to the relief of the Catholic occupier — if he had seen these things granted and these things offered, I will not believe that when the claim, the preposterous claim, was advanced in addition to all this, that vote by ballot should be established, that Household Suffrage should be granted, that Triennial Parliaments should be adopted, that the Bishops should be expelled from the House of Lords, and that the constitution of the House of Lords itself should be revised— I cannot believe, that on the principle of meeting every demand by unwearying concession, Mr. Fox would ever have been prepared to insist on the doctrine of concession, and to assent to any of these things. I have infinitely too high a respect for the wisdom of Mr. Fox, for the virtue of Mr. Fox; I pay too high a homage to his Whig principles to believe for one moment he would ever have advocated a doctrine so fatal to our mixed form of Government. I saw a smile on the face of the Chancellor of the Exchequer when I used the word Whig. What was Mr. Fox? He was the great historian of the revolution of 1688; he was the champion of the Protestant succession; he was the ablest defender of the old Whig principles—principles which I learned and professed with the right hon. Gentleman. I know not how the Chancellor of the Exchequer now professes them. I have renounced no principle, I have comprised no opinion; therefore, I will add that those are principles which I still profess. I say that they consist no less in jealousy of popery and Catholic domination, than in a love of liberty and hatred of oppression. I agree generally in the observations which fell from the hon. and learned Member for Bath, as to the disadvantage of a desultory discussion of this kind which is to end in no division yet I must say, on the present occasion, that on the whole I think this form of discussion advantageous. Last year, when we argued this question, we were obliged to do so on extremely narrow grounds, it being necessarily confined to this, that we having granted municipal institutions to Scotland and to England, therefore it was a necessary and inevitable consequence that similar institutions must be granted to Ireland. To that proposition, so stated, I demurred at the time. I said that no person would more strongly contend on behalf of Ireland for a perfect equality of civil rights, a perfect admissibility to the franchise, and to all those elements of Government which have been already conceded; but I did say that, looking at the general state of that country, and at its position at the present time and in existing circumsta ce , I was not prepared to grant any increase of democratic power to Ireland. The hon. and learned Member for Bath, although not in my opinion right in his objection to the enlarged manner in which the question has been brought forward, yet, in his second proposition, he appears to me to be perfectly accurate. For I agree with him that the matter at issue clearly is, whether, in the present circumstances of Ireland, we are prepared to increase the democratic power in that country. I do not think that question could be fairly argued without reference to the general state of Ireland; and, therefore, in my opinion the noble Lord, by opening the question as he did, has not done anything inconsistent with his duty; and I am not prepared to say that this is not, upon the whole, the most advantageous mode of discussing the question. The noble Lord said this was a very simple question, one which could not be decided by figures, but must be decided upon general principles; yet he immediately went into a comparative statement with regard to crime, and to judges' charges which could lead only to that comparison which, according to his own showing, could not be involved in the principle upon which the question was to be decided. I am not here to draw a Bill of indictment against a great people, or to depreciate the character of the Irish nation, which I am aware is equal, and in some respects possibly superior even to that of my countrymen. But I cannot conceal from myself that there are the seeds of imminent danger within it. One striking fact with regard to it which cannot be overlooked is this, namely, that while the great mass of the property of the country belongs to those professing the Protestant religion, the great mass of the population profess the Catholic religion. Under these circumstances if we adopt a measure such as that now proposed, the greatest religious hostility and acrimony will be excited throughout the country. Every concession that has been made hitherto has failed, and I fear that this is symptomatic of what would now take place. The noble Lord in speaking on the tranquillity of the country, had cautiously kept out of view the state of the tithe question; but, in my opinion, this forms the real difficulty of the present question. This, I repeat, is one of the causes of the present difficulty. But there is also another and a more formidable difficulty. I mean the existence of the Association. The noble Lord defined Orange lodges as unconstitutional societies, capable of being turned to dangerous purposes. If I wished to have a correct interpretation of the nature of the General Association, I would take the words of the noble Lord, and say, that it is an association capable of being turned to dangerous purposes. The noble Lord called this Association the spawn of our wrongs; but, without offence, I hope he will allow me to say, that it is the fruit of his own indiscretion. I do not believe that any Minister of the Crown must not feel this with reference to the state of the country to which I allude when the language formerly used by the noble Lord is recollected. I was then a Colleague of the noble Lord, and I confess I heard the observations then made by him with great pain; he said, "If ever there was a nation that had a grievance, that nation was Ireland, and that grievance the Established Church:"

Lord *John Russell*: I rise to explain. I have denied on two previous occasions the correctness of the language attributed to me by the right hon. Gentleman. I do not mean to say, that he has any intention to misrepresent what I really did say, but he is incorrect in imputing to me that language. I said on the occasion alluded to by the right hon. Gentleman, that we were bound to remove the just complaints of the people of Ireland; and one of those just grounds of complaint was the present appropriation of the tithe revenue in Ireland. If the right hon. Baronet will take the trouble to refer to any record of what then took place, he will find that I then stated what I now repeat. The observation was imputed to me at the time by another right hon. Gentleman, and I then took an opportunity of setting him right.

Sir *James Graham*: The occasion when the words were uttered was one when circumstances occurred which have made a lasting and powerful impression on my mind, and I thought that I had quoted the noble Lord correctly, but I am happy in being set right. I was, however, curious to know what the noble Lord would say of this Association—what view he would take of the safety and bearing of this society. I believe the noble Lord at the head of the Administration is reported to have said, "that there was nothing in the aspect or affairs of Ireland that could justify the formation of this Association, and that he regretted its existence, and deprecated strongly many of its proceedings." The noble Lord (Lord John Russell) said, last night, "that there were many plain and obvious reasons for the existence of this Association, and he did not know of any great indiscretions that had been committed in connexion with it." The noble Lord, the Secretary for Ireland, had also given the House his view of this Association, and stated that he regarded it as the natural and almost inevitable result of the proceedings that had taken place. The noble Secretary for Ireland went one step further than the noble Secretary for the Home Department, for he almost justified the existence and proceedings of the Association by what he told us. Now allow me, Sir, to point out some of the bearings and proceedings of this Association. I trust that the House will allow me to read some of the proceedings of this body, which may enable him to judge between the opinions expressed by the noble Lord, the Secretary for Ireland, that he regarded the existence of the Association as the inevitable result of the state of affairs in Ireland, as well as that of the noble Lord at the head of the Home Department, who said that there were many plain and obvious reasons for its existence, or the opinion put forth by the noble Lord at the head of the Government, that there was nothing in the aspect or affairs of Ireland to justify its existence, and that he condemned its origin and proceedings. I cannot call the attention of the House to some of the resolutions agreed to at this Association on the subject of tithes, without referring to the language with which they were introduced. These resolutions were proposed by the hon. and learned Member for Kilkenny, who, in one part of his speech, is reported to have said—"I own myself a friend of the voluntary principle. I do not think that any person should be more bound in honesty to pay for the spiritual doctrine of any other man than his apothecary's bill." And I beg the House to remark the tone and bearing of what follows:—"If, then, a man is ill, or supposes himself to be ill, he should pay the person who attends, and no one pay for him. No man should pay for the spiritual doctor of his neighbour. If he choose to have a person to physic or to pray for him, let him, in the name of honour, pay alike for the physic and the prayer. I am also one who thinks that religion should be perfectly free from every human institution; that it is the duty as well as the right of every human being to have a perfect freedom in all matters connected with religion." Does the noble Lord adopt the opinions thus put forth in the Association, whose existence he palliates. The hon. and learned Member for Kilkenny then went on to say, that no settlement of this tithe question would be satisfactory to the Irish people, which did not assert the principle which he had advanced and explained in his speech. Nothing appears more distinct in this speech than the declaration in favour of the voluntary principle, and yet the noble Lord seemed to regard it as a matter of little moment. The resolutions, however, agreed to at this Association were my primary object, and I beg the attention of the House while I refer to them, and also to recollect that they were unanimously agreed to. The first Resolution was, "That it was incompatible with the principles of religious liberty, that any man should be compelled to pay for the ordinances of a church with which he is not joined in communion." Nothing, in my opinion, can be more candid than this avowal, recollecting from whence it came. The voluntary principle is here openly set forth. Nothing can be more honest than the avowal; but I can never admit that the principle is one that should be acted upon. I am not now addressing the supporters of his Majesty's Ministers, but I appeal at once to the noble Lord and his Colleagues, the confidential advisers of the Crown, of a Sovereign, who is bound by the solemn sanction of an oath to maintain the Protestant religion, as by law established, in these realms. The next Resolution is, "That as under the present appropriation of the tithe composition, a tribute is levied from the whole nation for the uses of the church of only the one-tenth portion of the community, the people of Ireland are therefor justified in demanding the total extinction of an assessment so applied." Again, the next Resolution is, "That in our opinion no settlement of the tithe question can give satisfaction to the people of Ireland which is not founded on the foregoing principles." Away, then, with the affectation of urging the appropriation clause, with the view of satisfying the Irish people. With any such trumpery measure as you propose, this Association tells you that it will not be satisfied. But I presume, according to the principle of Mr. Fox, as laid down by the noble Lord, we must go to the full extent of concession in all the demands thus made. The next Resolution is, "That we call upon the people of Ireland not to desist from all legal and constitutional means of redress, till these have obtained full and complete relief from an impost equally oppressive and degrading." Now, compare this with the oath taken by the Catholic Members at the table of this House, when Catholics take their seats in this House, the House having now in its perfect recollection these Resolutions, I will not make any further comment, but will at once proceed to read the oath. "I, A. B., do sincerely promise and swear that I will be faithful, and bear true allegiance to his Majesty King George the 4th, and will defend him, to the utmost of my power, against all conspiracies and attempts whatever which shall be made against his person, crown, or dignity, and I will do my utmost endeavour to disclose and make known to his Majesty, his heirs, and successors, all treasons and traitorous conspiracies which may be formed against him or them: and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the Crown, which succession, by an Act, intituled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject, is, and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of this realm; and I do further declare, that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion that princes excommunicated, or deprived by the Pope, or any other authority of the see of Rome, may be deposed or murdered by their subjects, or by any person whatsoever: and I do declare, that I do not believe that the Pope of Rome, or any other foreign prince, prelate, person, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. I do swear that I will defend, to the utmost of my power, the settlement of property within this realm, as established by the laws: and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm: and I do solemnly swear that I never will exercise any privilege to which I am or may become entitled to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom: and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever. So help me God." The question of this oath was touched on last Session, when the appropriation clause of the Tithe Bill was under consideration. I do not like to put a construction on the terms of this oath, as I consider that to be a matter to be settled by each individual, between himself and his conscience; but I must observe that those who take it put a different construction on the appropriation clause from that which is placed on it by the noble Lord at the head of the Government, who said that it was a heavy blow, and a grievous discouragement to the Protestant religion. It is not for me to attempt to reconcile this difference in the views entertained by the noble Lord and his supporters on this important subject. It might, indeed, be possible that Gentlemen opposite think that the Protestant religion, if not the Protestant church, might be purified and promoted by the adoption of the voluntary principle. Yet surely this is a strained construction, hardly consistent with "the plain and ordinary sense of the words" of the Catholic oath. I do not, however, believe so myself; and believing that any spread of the democratic principle, giving effect to the Resolutions which I have read would be dangerous to Protestantism in Ireland, I am prepared to take my stand, and, in the present circumstances of the country, I shall be ready, at the proper time, to resist, not the introduction of the Bill proposed by the noble Lord—not, probably, the second reading of the Bill—not the abolition of exclusively Protestant corporations, but, certainly the erection of new corporations, intended to be really no more nor less than the establishment of Catholic fortresses to assist in the great campaign to be carried on against the Protestant Establishment. The prospect of the future in Ireland present nothing but clouds and thick darkness; the conduct of the Government is unintelligible—I will not call it insincere—but more dubious, vacillating, and wavering conduct, throwing uncertainty over all things is not possible. One argument is addressed to one House, and another to another. One opinion, with regard to the Association, is professed in this House, and another in the House of Lords. And above all, there is an Association which has met with peculiar favour from the two noble Lords opposite, adopting resolutions which none can say are not subversive of the Protestant establishment, yet ten days ago, in the speech from the Throne, the noble Lords and the right hon. Gentlemen opposite unanimously called upon the House to prepare for the deliberation of measures calculated to promote the stability of the Established Church. I feel some reluctance in quoting the exact words of noble Lords and right hon. Gentlemen opposite, with whom I have been on friendly terms, because it indicates something like an acerbity of feeling which I totally disclaim. However, considering the station which the noble Lord occupies, the great power he possesses, and his character, which must, after all, mainly depend, in the long run, on his firm maintenance of fixed principles and opinions. I cannot refrain from citing his own authority. I repeat the sentiment, and will not shrink from it, for I am prepared to stand or fall by that test myself. I wish to call the attention of the noble Lord to the fact, that it is now clear that no new appropriation, no modified appropriation, is sought by the Association, but that nothing will content them but the total abolition of tithes. I now call upon the House and the country to hear what the noble Lord's opinion was in 1834 on the subject of tithes. This opinion was given on the occasion when the present hon. and learned Member for Kilkenny proposed a resolution to the effect that sixty-six per cent. of tithes should be remitted to the landlord, and the remainder should be appropriated as a grand jury cess or rather that two-thirds should be abolished, and the other third should be dealt with as a grand jury cess, and be liable to all the burdens which now fall on the land. This, then, was the language of the noble Lord—"As the hon. and learned Gentleman well knew, he differed from several of his colleagues in the Administration as to the appropriation of this property; but upon the question on which the hon. and learned Member for Dublin had that night declaimed, he believed that there was no difference of opinion in the Ministry. The hon. and learned Gentleman proposed that two-thirds of the present amount of tithes should be utterly abolished, and that the remaining one-third should be applied to the same purposes to which the grand jury cess was now applied; or, in other words, that it should be substituted in place of another burden to which the land was already liable. But this was nothing more than abolishing tithe altogether; it was a direct act of robbery, neither palliated nor disguised: it was a mere act of confiscation, which assumed the appearance of giving relief to the miserable and vexed occupiers of the soil, but which, if it should be adopted by the Legislature, would give relief to none but the affluent landholder. On the question of appropriation, he might have the misfortune to express opinions at variance with those of his colleagues; but on this question he gave his vote in the full reliance that it would be in accordance with that of all the Ministers, and of the majority of that House, unless, indeed, they were prepared to abandon all the rights of property and to say that all means, even the most illegal, even such as were attended with tumult and bloodshed, might be used to conduce to an end not less disgraceful and calamitous than the means employed to carry it were violent and unholy."* But I am sure that the House and the noble Lord have not forgotten what took place at the dissolution of Lord Grey's Government. What I am going to allude to, is not a new question, nor was I at the time a member of the Cabinet. I would, then, remind the noble Lord that when the attempt was made to renew the Coercion Bill it contained some clauses by which the Lord-Lieutenant was enabled by his proclamation to suppress any public meetings which he thought were of a dangerous tendency. This was in 1834, and it appeared that the Cabinet was divided on the subject of the retention or exclusion of those clauses. One of the Members of the Government then told the House that in the division in the Cabinet on the subject several members of it supported Lord Grey and the view he took, which was to retain these severe anti-meeting clauses, which avowedly were levelled at the Association. On that occasion who were the persons who voted with Lord Grey? Lord Melbourne, then Home Secretary, and at present at the head of the Government; Lord Lansdowne, the President of the Council; Lord John Russell now Home Secretary; and Lord Palmerston, then and now the Foreign Secretary. Perhaps it may be supposed that all these individuals who then voted with Lord Grey stood firmly to the opinions which they had expressed and maintained in the Cabinet. Not so, but a very extraordinary circumstance occurred which has never been clearly explained, and which certainly appears very obscure. All these colleagues, who in the month of June supported Lord Grey fell off from him without one solitary exception, and he stood alone in the Cabinet on this question in the following month of July. The clauses I allude to were directed against such an Association as now exists in Ireland, and that noble Lord deemed them to be absolutely necessary to render the Bill at all effectual. Standing, therefore, alone on this subject in the Cabinet he retired from the Government, not willing to be responsible for the safety of Ireland without the means of suppressing the Association. Now, the act of robbery and the confiscation then contemplated by the Association were precisely of the same nature, as those projected by the present National Association. Let it not be forgotten that I am not speaking of the appropriation of tithes, but of their abolition — and before I sit down, I hope I shall show the House how closely those two questions were connected. I received great favours from Lord Grey, and am under great obligations to him. I admire his high character, and entertain a deep regard for his fame, which belongs to his country, and which will be transmitted to posterity: from my heart I congratulate him on the magnanimity he then displayed, and on the high sense of honour which drew him from a Cabinet that had deserted his principles. The noble Earl must be conscious that he did his utmost to prevent the possibility of an evil which is now all but overwhelming, and which some of his Colleagues, though they differed with him in 1834, now acknowledged to be an evil, but which they did not then stand by him to put down. They are now in possession of power, while the noble Earl is content with an honourable retirement. It would be useful for the House to be reminded of the views of Earl Grey with respect to such an Association as that which now existed in Ireland. Previous to the introduction of the Coercion Bill that noble Lord had had much correspondence with the Marquis Wellesley, the then Lord-Lieutenant of Ireland, who repeatedly stated "predial outrage and agitation were as indissoluble as cause and effect. Agitation was the cause of predial outrage and disturbance.

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* Hansard (Third Series) vol. xxi. p. 262.

While agitation about tithes was the sound made, the repeal of the Union was the thing signified, and unless that agitation was put down, the repeal of the Union would be effected." Sir, my Lord Grey relied on the authority of the Lord-Lieutenant of Ireland, and in moving the second reading of the renewed Coercion Bill in 1834, asked the House of Lords, whether they considered it safe to suffer the proceedings of the then existing National Association to go on, and used these expressions:—"Many meetings had been held during the last year with which the Government had not interfered; but it was a very different thing to allow these meetings, when isolated and distinct, and to leave the executive Government unprovided with the power of acting against central and simultaneous meetings, distributing their mischievous instructions throughout the country, and keeping up that agitation which caused in the first instance and continued in the next the predial disturbances in Ireland. Did any man suppose, my Lords, that if the Act of last Session had not been passed, the meetings for the repeal of the Union would not have continued, or that if they had continued, the spirit of disorder would not have extended itself to other parts of Ireland?" * This, Sir, is part of the speech made by Earl Grey on the 4th of July, 1834, a speech which received the full concurrence of the noble Earl's colleagues, including Lord Melbourne and the noble Lord opposite. The noble Earl remained firm in his opinions, and rather than depart from them resigned on the 7th of July, and his place was supplied by Lord Melbourne. On the 9th of July, the day on which Earl Grey announced his resignation of office to the Lords, he repeated his unaltered sentiments on the subject, expressing his sincere conviction that Ireland could not safely be left to the ordinary protection of the law, but that Government must be intrusted with extraordinary powers for the preservation of peace in that country. Sir, in the two years which have elapsed since that period all the evils which Lord Grey foresaw have arisen, yet now, instead of any proposition being made by Government for putting down this Association, a proposal is made largely to increase the democratic power in Ireland. The noble Secretary for Ireland complains, Sir, that Gentlemen on this side of the House have both made isolated statements and have misstated facts; but he candidly admits that the inquiry was entered into on his own challenge. It is impossible for me to answer as to the accuracy of any details which have been brought forward, as I have no personal knowledge on the subject; but I have carefully listened to the debate, and weighed both the accusation and the defence. I have heard hon. Gentlemen who have advanced charges divide their accusation into distinct heads, and declare their perfect readiness to prove the justice of the charge before any Committee; and more than that, I have heard them call upon his Majesty's Ministers to grant them a Committee before which to substantiate their statements. Sir, it is not the number of crimes so much as the nature of them, in connexion with the political or religious feeling of the country, which calls for our consideration. In the period which has elapsed since the close of last Session, I have carefully reviewed the conduct which I have pursued in reference to this subject. I have endeavoured to ascertain whether there was any circumstance which should shake the opinion which I had formed; I have narrowly watched everything which has in that period taken place in Ireland; and I have witnessed several signs, bearing on the state of society in that country, which fill me with alarm, and form with me a strong ground for refusing to concede to that country further popular power. Sir, I will put the direct question: is it, or not, the case that passive resistance exists in Ireland, resistance not confined to tithes, but gradually extending itself to other descriptions of property? Was it not the case that a lay impropriator, Mr. Hackett, of Birr, proceeding to distrain partly for rent and partly for tithe, was obliged to apply for the protection of twenty-three policemen against the organised resistance to these payments made by a concourse of 500 persons, armed with scythes, pitchforks, and other implements? And, Sir, was it not the case, that on the approach of these policemen a blunderbuss was discharged over their heads by the leader of the mob, which induced them to withdraw, and try a future day for making the distraint? And is it not also true that, when they came a second time, they found themselves opposed by a concourse of 2,000 persons, met together for the purpose of resisting distraint for rent? Sir, these are the facts, this is the system by which to gauge the present state of the

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* Hansard (Third Series), vol. xxiv. p. 1129.

public mind in Ireland. Then, Sir, as to the condition of the clergy in Ireland: is it not true that Mr. Coote, the incumbent of a rectory in Limerick, returning from the performance of divine service, was fired upon by two assassins in mid-day? Is it not true that another clergyman living in a thatched house, had it set on fire, and on rushing out to obtain assistance had two shots fired at him? I will not tire the House by going into the multiplicity of crimes that have been committed; it would be disgusting to myself; but I have mentioned instances, and I will venture to say, that whatever crimes may be committed in England and Scotland, there are no crimes committed in either of these countries of the peculiar dye of Irish crime, or of a character connected in the same way with violent popular animosities. Next, Sir, I ask, has the noble Lord met the charge respecting Mr. Cassidy? Is it not true that that Gentleman had been, as was stated, remarkable for the share he took in anti-tithe agitation—is it not admitted that in the first instance, when the Liberal Club proposed him to the Lord-Lieutenant of the county as a Magistrate, the Lord-Lieutenant assigned as his reason for refusing the application, the circumstance of Mr. Cassidy's having been convicted of being prominently mixed up in an illegal act in a riotous resistance to the payment of a legal impost, the county cess? The Lord-Lieutenant's first refusal, however, was not accepted, and the Lord Chancellor of Ireland made a second application in behalf of Mr. Cassidy, which was refused for the reason before assigned. Shortly after, however, the Lord-Lieutenant in question went abroad, and when his back was turned, Mr. Cassidy was appointed a magistrate. Now, let me call to the recollection of the House what was the first act of this favourite and chosen magistrate of the Viceroy—chosen in defiance of the Lord-Lieutenant of the county. Why, Sir, his first act was to go to the National Association and tender, as his contribution to the Association, the amount of the money which had been claimed of him for tithe; and yet, in the face of all these facts, the noble Secretary pretended that it was the firm determination of the Government here and in Ireland to uphold the majesty and authority of the law. Again, serious complaints have been made of the promiscuous manner in which the doors of gaols have been thrown open by the Viceroy; and it is charged against him that in his head-long course of popularity-hunting he has overleaped the boundary of common justice and reason. "Oh! but," says the noble Secretary for Ireland, "Lord Mulgrave has always previously required the recommendations of the gaoler, the inspector, and the neighbouring justices." Sir, I will simply ask, are, or are not, the facts related by my hon. and learned Friend the Member for Dublin true? If they are, I am at a loss to understand in what way it can be made out that the exercise of the prerogative has not been greatly misused? Sir, it would appear as if the Viceroy in his progresses, while his horses are changing, instead of taking a sandwich at this place, and a glass of sherry at another, runs off to the gaol of the town, and without inquiry of any sort, or of any person, proceeds to set at liberty seven or seventeen prisoners, as the case may be. Sir, where, in the many instances which have been mentioned, where are the constitutional checks to the exercise of the prerogative? Where is the Privy Council, where the Lord-Lieutenant's law adviser, where his secretary? Sir, I protest that if I had the honour of filling the office of secretary or confidential adviser of a Viceroy who so acted, who exercised the prerogative of mercy in such a manner—giving me the go-by entirely, without in the slightest degree consulting me or asking my opinion—I would not condescend to hold office under him not for one day, no, not for a single hour. But are the offences of these liberated individuals of a light character? Sir, in Sligo, where the persons liberated are described as slight offenders, and where it is pretended on the other side that there were no offenders against the revenue laws, in this very instance it appears that nineteen out of twenty-two persons liberated were persons convicted previously of offences against the revenue laws, one of them, indeed, having fired a shot at a revenue officer. But, Sir, I conceive all these cases to be secondary in importance to the appointment of Mr. Pigott: it is on this case that I rely. What are the facts? Here is a gentleman appointed as law adviser to the Castle; to create the vacancy, a gentleman in no great practice, or pre-eminent at the bar, is appointed to the grave and responsible situation of Solicitor-General for Ireland. Sir, I do not personally know Mr. Pigott, but I have read the debates of the Association in which his merits are set forth, in which he is lauded as having been most active in the formation of that Association, and in which it is admitted that the Association is under the greatest obligation to him; and if the vote of thanks is not accorded to him, at least a proposed vote of censure upon him is unanimously set aside. This, then, is a gentleman possessing in the highest degree the confidence of the Association, and who has taken a most active share in its formation. Now let not the House forget the boast of the noble Lord, of the perfect accordance between every branch and department in the Government, and let the House attend to this case. The important and responsible situation of law adviser to the Castle is vacant; the whole bar is open for selection; and the head of the Government in England has declared that the Association appeared to him unnecessary and objectionable, that he disliked its proceedings, and, on the whole, regretted its existence. The whole bar, I repeat, is open for the selection of a proper person to fill the vacant situation, yet the Viceroy and Secretary of Ireland select as the man most deserving of their confidence the very person who, a month before, was declared to have been most active and useful in forming the Association repudiated by the Prime Minister. It has been said, that the being a member of an Orange Lodge was a just disqualification for office. I never, for my part, advocated Orange Lodges; I was always much opposed to them, and rejoiced to see the loyalty and good conduct of the members of those Lodges in attending to the wishes of their Sovereign, and ceasing to hold secret meetings without the intervention of any prohibitory enactment; but, Sir, what I wish to remark upon is the extraordinary circumstance that while the being a member of an Orange Lodge—which I consider not half so dangerous as this Association—while, I say, the being a member of an Orange Lodge is universally declared by hon. Gentlemen opposite, and by his Majesty's Government to be a just disqualification for office, the being a member of this Association—being most active in its formation and zealous in carrying out its objects—so far from disqualifying for office, appears to be considered by the Irish Government as a ground for investing the party with an office of the highest trust and responsibility. There is required nothing more than this to identify the Irish Government with this Association. Sir, I rest the case with confidence on this Pigott link—a link which cannot be broken—a link which cannot be loosened, and which, beyond all cavil, identifies the Irish Government with the General Association. The Ministry may disclaim as long as they think fit; Lord Melbourne may say he does not like the Association at all; the noble Secretary opposite may say he likes it little better than Lord Melbourne; nothing can break this bond of identification; it is clear and palpable as anything ever was, that the Association enjoys the confidence of the King's Government, and the effect which this must produce cannot be dissembled. Having thus identified his Majesty's Government with the Association, I will now shortly quote to the House the sort of language that has been used at this Association, and state what its proceedings have been—an exposition not at all inapposite to the subject matter of debate, the introduction of a Municipal Bill for Ireland. I will not weary the House, or pain myself by going through the various statements of the hon. and learned Member for Kilkenny at this Association respecting the voluntary principle, but will mention to the House what language was held by that hon. and learned Gentleman with respect to his views of what would be the conduct of his Majesty's Government if he could induce them to go a certain length with him. I beg the attention of the House to the following words used by the hon. and learned Gentleman. They were remarkably frank, perfectly intelligible, and explicit, and if they did not warn the noble Lord and his Colleagues in the Government of the danger of their position, he at least hoped they would warn the House and the country what were the dangers of which they were about to become the instrument, if led by that hon. and learned Gentleman. The hon. and learned Member for Kilkenny said, "I am for a reform of the House of Lords, and as a means for attaining it, I am for household suffrage, I am for the ballot, I am for doing away with a property qualification, I dislike the Tories as much as the ultra-Radicals in England, I am the very antipodes of them, I am for the Whigs;" but there was a condition attached to it. What was that condition? "They do not go the whole way with me, but when I get them to a certain point I will bring them the rest of the way." That quotation is surely pretty strong, but it is as nothing to what I am about to read, and which bears directly on the question of Municipal Reform. I may deceive myself, but I am prepared to take my stand on the following quotation, not against abolishing the exclusive Protestant Corporations as they now exist with all their abuses in Ireland, but against the measure as proposed by the noble Lord, which I hold to be a direct transfer of power from the minority to the overwhelming majority. The hon. Member for Bath cannot state that I urge it unfairly. I maintain as a matter of opinion, that if I were to rest my opposition to this measure on any one single ground, I am prepared to rest it on the declaration I will read to the House, made by the hon. and learned Member for Kilkenny, recollecting the extent of his influence, and the absolute dictatorship he exercises in Ireland. What was that declaration? Always bearing in mind and applying what was alleged to be Mr. Fox's doctrine of making concession on concession, the hon. and learned Member for Kilkenny said "My opinion is, that the people will never rest satisfied till tithes are abolished —that is my opinion. That opinion I gave in the House of Commons during the course of the last Session. I said then as I say now, give us this instalment." There was the declaration of the instalment principle. "There is no danger, I say, of coaxing the people from their interests by giving them a taste of a few agreeable instalments." Where now, let me ask, is the Appropriation Clause? Will that satisfy the people of Ireland? "Let them have a little pap, and depend upon it they will acquire a relish for solid food. But to obtain Corporation Reform will be a pretty good instalment." The hon. and learned Member in one of his speeches talks of a fable of a man who, having had a favour bestowed on him by Satan, makes a bargain—very much such a bargain as that between the hon. and learned Gentleman and the Ministry—with Satan in return by way of paying for the favour, and Satan gives him the choice of paying his debt by doing one of three things, namely, either killing his father, beating his mother, or getting drunk; the man selects the latter alternative, and gets drunk, and being drunk, proceeds, as Satan clearly foresaw, to do both the other mentioned matters,—beats his mother and kills his father. I trust this fable will be adopted by the noble Lord as a warning to him. Beware, my Lord, of drunkenness; beware of giving Corporations to Ireland, or all the other things will follow. "Give me," said the hon. and learned Gentleman, "Corporation Reform, and then I shall be able to carry all the rest." Here the secret was told—the truth transpired. The hon. and learned Member for Kilkenny—he who was to be considered as the most competent witness—we have it from him in evidence what will be the effect of Corporation Reform. I ventured last year to predict as much, and I have the fulfilment of that prediction in the words and evidence of the hon. and learned Member for Kilkenny himself. I said then that the Protestant establishment of Ireland was on the very verge of ruin. But I have already trespassed too long on the House; I will therefore conclude with the few simple pathetic words of Lord Russell, the ancestor of the noble Lord opposite, the words of one on whose heart, even on the scaffold, an additional pang would have been inflicted, if he had been told and could have believed that in these latter days a descendant of his own—one who inherited all his courage, and many of his virtues, who was blessed by Providence with superior talent, and high in the confidence of his Sovereign, might have rescued the Protestant Church of Ireland in its utmost need from the extremity of danger, yet deliberately preferred its overthrow. The words used by Lord Russell were these: "I did believe, and do still, that Popery is breaking in upon this nation; and that those who advance it will stop at nothing to carry on their design. I am heartily sorry that so many Protestants give their helping hand to it."

Sir *John Hobhouse:* The applauses which proceed from hon. Gentlemen on the other side are very natural upon the conclusion of the speech of the right hon. Gentleman. Will the House now allow me to make a few comments upon the remarks which he has made? I mean to do so not altogether in the tone adopted by my right hon. Friend, if he will permit me still so to call him. I mean to attempt recalling the House of Commons to that which in fact is the subject matter of debate. But in doing so I think that it is due in the first place to myself, as to others, to the noble and hon. persons with whom I have the honour to be connected, to make one or two comments upon that which formed, in my opinion, the spirit of the right hon. Gentleman's speech, and which was directed against a noble Lord who holds a place at present in his Majesty's Administration. And why was this? Because that noble Lord happened to have used an ingenious quotation in the other House of Parliament. For this he has been subjected by my right hon. Friend to what I must take the liberty of calling a very unjust imputation. The right hon. Gentleman has been pleased to say in reference to the quotation made by Lord Holland in the House of Lords—a quotation, I believe, from some monkish historian—I can help him to the name, although I suppose he does not require it from me—the quotation is from Janus Vitanus, and it is this: "Quæ perpetuo sunt agitata manent." And my right hon. Friend says, that the true interpretation of this is, that "by perpetual agitation" my noble Friend, the noble Lord, and we "are to remain in office."

Sir *James Graham* was understood to disclaim applying it to the noble Lord in the manner described by the right hon. Baronet.

Sir *J. Hobhouse*: Did not the right hon. Baronet mean to apply it to the Administration of which the right hon. Baronet was a Member? By so applying it, I hope I am not guilty of any discourtesy in throwing back the imputation, and telling the right hon. Gentleman that no such motive influences his Majesty's Ministers in the conduct they pursue; and if the right hon. Gentleman can find for his charge no greater proof than that which he has brought forward to-night, I am quite confident that the country will not pass such a sentence as he has pronounced upon us. My right hon. Friend seems to think that it is for some base objects we are now sitting here—that it is for the mere emoluments, the mere power, that office confers that we condescend to sit here, and to be baited by him every night. I trust that the right hon. Gentleman has had too much experience of the personal honour if not of the political conduct of his former Friends, to believe that they are capable of acting in a manner so completely incompatible with the honour of English Gentlemen. I do not know what pleasure the right hon. Gentleman can find in thus perpetually putting forward such charges. But I wish to call this to his recollection, that when a man changes his opinions (I do not mean to say the right hon. Gentleman has done so); but when a man changes to another side of the House (and no one has a right to object to that); but this I say, that a man may act magnanimously without carrying into his new position a perpetual bitterness against his ancient allies. The right hon. Gentleman has omitted no occasion on which he did not bring forward, not political, but personal charges against us. Allow me to say, that he has repeated this practice over and over again; and after having tried to create some division amongst the Friends behind me, he now tries to create divisions amongst those who supported the illustrious man who was at the head of the Administration to which that right hon. Gentleman belonged. I have seen his motives, and I have traced over and over again the right hon. Gentleman.

Sir *J. Graham* rose to order. There was no person less disposed than he was to interrupt the course of the debate: but he appealed to the Speaker whether, when the right hon. Gentleman proceeded to impute motives, he did not exceed the order of debate.

Sir *J. C. Hobhouse:* I do not think I am open to the reprehension of the right hon. Baronet. I certainly said I could trace the motives; perhaps I ought to have said the intention. I do not mean to say anything whatever which can be construed into a want of courtesy to the right hon. Gentleman; but what I meant to say was this, that I thought I could trace repeatedly the hand of the right hon. Gentleman in an attempt to disconnect Lord Grey and those Friends of his who form the present Government, and those who happen to think with him. I had not the honour of being a member of the Cabinet of Lord Grey; but I had the honour of holding two high official situations under the right hon. Gentleman and under the noble Lord; and I had the honour of having the office of the Irish Secretaryship handed over to me. But this I can say, that if the right hon. Gentleman thinks to discredit us with some of the followers or Friends of Lord Grey who happen not to agree with those now connected with the Government—I must tell him this, that I have the best authority for saying that the noble and illustrious person referred to never has accused the Government of Lord Melbourne, and never had the right to complain, that they acted in any way that he could complain of. I do say that we are doing nothing more nor less than this, that we have attempted to carry on a great principle. This Administration is but the offspring of the Reform Bill. This Administration is but the offspring of that Bill, of which the right hon. Gentleman was one of the framers, and of which the noble Lord opposite was one of the supporters. So far, then, from the right hon. Gentleman taunting us for anything we have done, and which could justify him in attacking us—so far from his branding this Administration with the character he has applied to us, I am confident that when the truth comes to be told we shall be considered to have fairly carried out the principle upon which the Government of 1830 acted. The right hon. Gentleman brought, I think, this question to the test, and which ought to be applied to it. It is this—how is Ireland to be governed? That is the test. I have not heard—I do not exactly know what is—the course that the right hon. Gentleman and his Colleagues mean to pursue on this occasion. They say they will not oppose the bringing in of the Bill. They say they do not mean to oppose, as far as I can understand, the second reading of this Bill. Am I to understand that they mean to take the same course that they did last Session? Am I to understand that they mean to annihilate the Protestant corporations in Ireland, and say that there are to be no corporations at all, for fear the Catholics should be admitted into them. Now this is the question, and nothing but this; and now let me come to a point which I do not understand. My noble Friend, the Secretary for the Home Department, has stated, that the Government intend to pass this Bill. They intend to attempt passing this Bill. And when my noble Friend says that, I certainly, as one of the Government, stand here in confirmation of that statement, and take its responsibility upon me. And I now ask the right hon. Gentlemen opposite, if we do not pass this Bill, do they intend to govern Ireland upon the other principle? Does the right hon. Gentleman, supposing the happy day should arrive in which we should be relieved of our thankless servitude here, does he intend to govern Ireland with Orange handkerchiefs and "the Kentish fire," and this, too, with the assistance of a very respectable nobleman acting as fugleman? Does the right hon. Gentleman mean to do this? I think that the King's Government, and the country too, will consider they have a right to ask the question, and to have a decided answer to it. I am here not to force an answer to my question from the right hon. Gentleman opposite, but think the country will put such a question, and also expect an answer to it. The answer they will have to give must be, whether or not they mean to give a Corporation Bill to Ireland—whether do you intend to legislate for Ireland as you legislate for England and Scotland—whether you, distinguished gentlemen and powerful party opposite, mean to govern Ireland on opposite principles? There is no medium in these two courses. The Irish people, I tell you, will reject your no-corporation principle. I do not speak of your, so called, Protestants; but I am speaking of the Irish people, as represented by the mass—as represented by the great body of the intelligence, wealth, talent, and power of the community. I say, they will not be content with the annihilation of the Corporations as they exist—they will not, certainly, be satisfied with a middle course with which you hope to content them; and before you make a stand at all, you must determine what is the course you will take. Will you take up that position which you retreated from before, and by retreating from which you obtained so much power and popularity at the time. The right hon. Gentleman ought to be prepared to tell the country—I mean when he and his party succeed to our places—he ought to be prepared to tell the country whether he intends that there shall be no Corporation reform for Ireland—whether he intends to govern in spite of the majority—a majority in his own House of Commons, assembled under his own auspices, and all this, too, because that proposal is supported by a majority in the House of Lords. I tell a plain tale. The hon. Member for Bath complained last night that we were not sufficiently explicit. I do not object to his complaining, but he shall not have to complain of my not being explicit enough to-night. The question to be decided to-night is this: shall this country be governed by a majority of the House of Lords against a majority of the House of Commons, or shall it be governed by a majority of the House of Commons against a majority of the House of Lords? Does the right hon. Gentleman mean to govern by a majority of the House of Lords against a majority of the House of Commons? I quote his own words—he has said he could not. I have his recorded phrases about me. I do not quote newspapers. The right hon. Baronet said, he would not do it, and he did do it afterwards. He decried the practice, and he afterwards gave us a notable instance of his falling into it himself. I am quite sure, that the right hon. Baronet (Sir Robert Peel) is not afraid of his own words. That right hon. Baronet did say, that it was to a majority of this House he intended to appeal. It is to that majority I appeal—in a Parliament collected by himself and under his own auspices; collected, I will not say under what pretences, for I do not wish to lower any one in his own estimation and that of others. But the Parliament I appeal to is, in the common acceptation, his own, and from that Parliament it would be hardly fair, and I trust that, if tried, it would not be safe, for him to appeal. Our majority upon this question is 86. Are we to be controlled by a majority of the other House of Parliament? I say, no—decidedly no; and unless the right hon. Gentleman is prepared to accept the Government on the terms of carrying it on by a majority of the House of Lords controlling the majority of the House of Commons, controlling, too, that which is a popular question, one of municipal rights, and a question with which the House of Commons must be considered far more conversant than the other House, unless he is prepared to accept the Government on such terms, I say, that his opposition to this measure is not wise, and is not consistent with his usual prudence; and I trust, as experience on so many other occasions has proved, he will be shown to be also wrong on this. The noble Lord has introduced a Bill similar to that of last year, one for forming Municipal Corporations in Ireland, and I must say, that I have heard nothing, unless from the right hon. Gentleman, which could in the least approach to any argument against the introduction of that measure. It has been said, that the people of Ireland are unfit and disqualified for power; that is to say, that if power be given to them they will use it, not for the common weal, but against it. And whereas, you may give Corporations in Scotland and in England, that you may fairly intrust to the people the selection of those who will manage their own affairs, in Ireland you may not so intrust them—that there, if you give them the power, they will only select persons who will do mischief to the community. The right hon. Gentleman who has just sat down, has taken the high religious ground; he apprehends, if you give these Corporations to Ireland, they will do something against the Protestant religion in that country. Has, I ask, the Protestant religion flourished under the present corporation system? Certainly not. If none but Catholics had been selected to fill offices in Corporations, surely no more mischief could have been done than by the system hitherto pursued. I am sure, if we are to judge of Protestantism by Protestants, we can have no other opinion. I do not think the Recorder of Dublin is a good judge upon this subject; he, in reference to it, quoted rather a profane author, Homer, of its being like a golden chain let down from heaven, and thus communicating divine blessings to man! We have tried the pure Protestantism of the right hon. Gentleman for some time, and what are we now going to try? Something in a spirit of fairness and impartiality. My noble Friend, in one part of his speech, alluded, as I have before said, to what would be the probable result of the rejection of this Bill. Supposing that catastrophe which he shadowed out in no very ambiguous phrase were to occur, all I shall say is this, that I think we have not rendered ourselves liable to any of the imputations which have been cast on us. When first we undertook the Government of the country, which we did under most difficult circumstances, we began by attempting to confer, and we succeeded in giving free Municipal Corporations in England. In the course of the last Parliament, we passed many acts which I feel certain a dispassionate posterity will consider of great benefit to this country; it is my belief, that even the hon. Gentlemen who are now our opponents, will, one day or other, confess that we deserve for these acts the approbation of the country. If we fail in the object we have now in view—that of making Ireland participate in the blessings we have assisted in conferring on England, we shall, at least, fail honourably. We shall, at least, have attempted a great object, and it is more honourable to fail in an endeavour of magnitude than in a small undertaking. The whole of our career, short as it has been, has been marked with that endeavour. These observations I must be allowed to make in justice to our own characters, in justice to our constituents, in justice to that majority of the House which has hitherto supported us, which, I have no doubt, will still continue to lend us its generous aid, and in the face of which, I must repeat, I defy the right hon. Baronet to undertake the Government of this country.

Sir *Robert Peel:* I should infer, Sir, that, as it is not intended to take the division in this stage of the proceedings, it might suit the general convenience that the debate should be brought to a close. If I am wrong in that impression, I am perfectly ready to give way to what may be the prevailing opinion respecting the adjournment. But if the general wish is that this debate should be brought to a close, I am ready so far to give effect to that wish, as to make now the few observations which I have to make. I say the few observations, because I am almost ashamed to rise after the speech of my right hon. Friend who sits on my left hand, and after that attempt at a reply, heard from a Minister of the Crown. I know and I respect the ability of that right hon. Gentleman—and what inference do I draw from his failure? Not that his powers have deserted him, but that he felt the utter impossibility of contending with the speech which he followed, but which he did not attempt to answer. I have been rather surprised by the course which this debate has taken. His Majesty called our attention, in the Speech from the Throne, to the state of Ireland. He especially commanded the Commissioners to bring under our notice the state of Ireland, and the wisdom of adopting all such measures as may improve the condition of that part of the United Kingdom. His Majesty recommended an early consideration, in the same sentence, of three great measures—the constitution of the municipal body in Ireland, the question of the Church, and the question of the application of poor-laws to Ireland. And when the noble Lord intimated to us that he did not intend, in moving for leave to bring in the Municipal Bill, to confine himself to the discussion of the abstract merits of that question, but would enter into the general question of the state of Ireland, I took it for granted it was his intention to take a comprehensive view of the condition of that country, and to afford us an outline of each of the three great measures alluded to in his Majesty's Speech. What, however, was the course which the noble Lord, the leader of the House of Commons, took on opening the subject? He fixed on a resolution which had been passed by a body of Gentlemen, in Dublin, who had met to petition Parliament. He concealed from us everything which he intended with respect to the Church—he concealed from us everything which he intended with respect to poor-laws—but he provoked a discussion on the 14th Resolution, which had been come to by a number of Gentlemen who thought they might with safety exercise the humble privilege of petition. He knew the petition was to be presented to the House—for that appeared on the face of the resolution—but he would hardly wait till it was signed, before be made an attack on it. He knew that the proper time for making any charges with respect to those resolutions was when the petition should be presented; but he took the opportunity of introducing the Municipal Bill to accuse those who had attended the meeting, but who were not yet prepared with a petition, of making charges against the Ministry, which they shrunk from supporting in their places in Parliament. The noble Lord had received an answer which he little expected. "You deal in general, in vague declamation," said the noble Lord; "no facts have you to mention, not one: I challenge you to come forward with the details; and I will brand you with disgrace, unless you produce your facts." Well, four hours did not elapse before the discussion became very inconvenient; and then the House was told, that it would be infinitely better to confine themselves to the great question, which was the proper object of our debate—that the detail of small facts was more inconvenient than a statement of general principles—and we were implored to return to that which was the legitimate subject for our consideration, viz. the Municipal Bill. There were facts in abundance. The resolution complained of was this—that patronage had been so applied, and the prerogative of mercy so exercised, as to shake confidence in the administration of justice. Well, the facts were brought forward, by which that general allegation was supported, and a tender was made by those who did bring them forward to prove them before any tribunal which the House of Commons should choose to appoint. It was said, "We assert that persons have been placed in a situation, who, however respectable in private life—who, however eminent in certain attainments of a lawyer, have still not that professional standing which entitled them to be placed over the heads of other barristers of superior qualifications; and the consequence of that undue advancement has been, that in a situation of the utmost importance—more important than the ostensibly responsible situation of Attorney or Solicitor-General, because the influence is greater, the attendance is more constant, and the duties more unseen,—in that situation of confidential advice has been placed an individual who has taken an active part in the Association now existing in Ireland." That was one fact; and it was offered to establish it before a Select Committee, fairly and impartially constituted. "A Select Committee!" say they; "Oh no—you cannot have a Select Committee; these things are not fit for inquiry before a Select Committee. Move an impeachment; an impeachment is the only course." What! an impeachment to inquire whether, in discharging by wholesale prisoners from gaol, Lord Mulgrave has exercised wisely the prerogative of mercy?—to inquire whether Mr. Pigott was, under all the circumstances, a proper individual to be appointed confidential adviser at the Castle? Let me ask, is there no possibility of questioning any act of a Minister of the Crown, or of a member of the Government, but by going through the cumbersome process of an impeachment? Must the noble Lord the Lord-Lieutenant of Ireland, or the noble Lord the Secretary for that country, be put on the footing of a Strafford or a Laud, or will he not condescend to answer the objections that may be made to his conduct? It must surely be by a Select Committee, and not by impeachment, that we can inquire whether Lord Oxmantown appointed Mr. Cassidy to the magistracy prior to or subsequently to the occurrences which induced Lord de Vesey not to recommend him to the commission of the peace for the Queen's County. Do you mean to resist the inquiry into these facts? Do you mean, after resting this debate on the 14th or 24th Resolution that was come to at the meeting in Dublin—do you mean, after saying, "Those allegations and vituperations are unfair, and let us have facts—facts with which we can deal, and to which we can reply"—do you mean, after this, to turn round and tell us that "Nothing but impeachment will do: we are so convinced of the high dignity of our situation, that we will yield to nothing but an impeachment; nothing short of an impeachment will satisfy us?" Why did not the noble Lord take the more statesman-like course of entering on the state of Ireland?—[Lord *John Russell:* I did so.]—Yes; but the state of Ireland into which the noble Lord entered, was that from which the Church question was excluded—was that from which the question of poor-laws was excluded. The noble Lord's performance was an improvement on the provincial performance of which we have heard; for it was the play of *Hamlet* with both the parts of *Hamlet* and *Ophelia* omitted. You tell us, because we refuse to apply the same principle to Ireland, in respect of municipal institutions, that we have applied to England, that we are inflicting wrong, and offering insult to the people of Ireland. Now, let me ask you, do you intend to apply that rule to the other measures? Do you, having made certain laws with respect to the Church of England—do you, having passed an Act of Parliament which granted the incorporation of the Church of Ireland with the Church of England—do you mean to apply the identical principle of legislation to the Church of Ireland, which you have applied to the Church of England? If you do not, on what ground do you refuse? Is it not that there is a peculiarity of circumstances—is it not that there is a peculiarity in the state of society in Ireland, which justifies the application to that country of a different principle? If that be true with respect to the Church—if it be not an insult to Ireland to apply different principles on account of different circumstances—let me tell you, you are not to take it for granted that a refusal to acknowledge an identity with regard to another measure is an insult to the people. Do you mean to apply the same principles to Ireland as you have acted on in England, with respect to the poor-laws? That is an important subject, affecting the interests, the sympathies, and feelings of as great a number of human beings as the Municipal Corporations Reform, or almost any other political question which can be mooted. The law of England is, that every person born in the kingdom, who is old, blind, maimed, or otherwise impotent, is entitled to relief from his parish. Do you mean to apply that law to Ireland—you who talk so loudly of identity of legislation? I fear you do not. I know many among those who clamour the loudest about justice and equal laws are the most forward to charge us with insulting the people of Ireland, and the most active in crying out for redress—who shrink within themselves when poor-laws for Ireland are the subject of discussion. Poverty and impotence are not entitled in their eyes, to the same identity of legislation as political partisans. On this point they show themselves in their true colours, and the principle of identity, as far as the right of the poor to relief is concerned, is denominated by no more soothing appellation than "a great humbug." When we ask these clamourers for equal laws and justice, why do you refuse to support your poor on the same footing as the poor in England are supported, and tell them to do so in perfect accordance with their own principle of identity of legislation, they answer us, and say, "Ireland is differently circumstanced from England; the whole question depends upon circumstances; it should be left open to them." The noble Lord should have told us his intentions with regard to poor-laws for that country as well as tithes; and I maintain that he cannot justly call on the House to pass the Bill for which he has moved respecting the municipal corporations without letting us know what his measures on those two points will embrace. With respect to poor-laws for Ireland, see for a moment what the operation would be on this measure. In England the right of voting depends not on the value of the house in which the voter lives, but on the payment of his rates—in which are included, of course, the poor-rate. Now, before you offer us the Municipal Corporation Bill for Ireland, do you refuse to give us any explanation on the subject of the connexion of rating with the right of voting in towns in Ireland? Do you mean to say, that those who are rated to the poor-rate alone shall have the right to vote, or that that right shall be derived solely from the value of the tenement occupied by the inhabitant of the town. In either case, do you mean to submit the Municipal Bill to the Committee before you give any explanation of your views on this most important question? The country longs for an answer. My right hon. Friend (Sir J. Graham) on my left has so fully entered into all the subjects broached in the collateral discussion which was invited, provoked, and compelled, by the noble Lord opposite, that he has spared me the trouble, and precluded me from the necessity of proceeding any length with it. He has, in short, anticipated me, and left me very little to say on them. The two main questions, however, broached in the resolution which the noble Lord has made the basis of the discussion, are, whether the patronage vested in the Irish Government has been properly exercised, and whether the royal prerogative of mercy, placed in the hands of the Lord-Lieutenant of Ireland, has been rightly applied. By far the greatest matter connected with the former was the appointment of Mr. Pigott to the situation of confidential adviser at the Castle. Mr. Pigott, from all I have heard, is a respectable man; but I contend that his appointment was improper. Do you think that I object to it because he is a Roman Catholic? No, far be it from me to do so. I object to because it shows the *animus* which actuates the Government, and because it is a direct encouragement and sanction to the Association now sitting in Dublin, that gentleman being an active member of the body. The right hon. Gentleman opposite (Sir J. C. Hobhouse) asks me what course I shall pursue when I receive that appointment of which I had not the slightest expectation until the right hon. Gentleman spoke. To this I answer that, as I doubt his authority to confer that appointment on me, I also doubt his right to catechise me on the results of a contingency which, until this night, I thought of all other things was the most remote. And now, what between the funeral speech of the right hon. Gentleman —the song of the dying swan—and the declaration volunteered by him, that it would be madness in me to hope to conduct the Government at all, I am left in the greatest doubt as to the actual position in which I stand. That speech was half a congratulation on the future prospects of the Government of which the right hon. Baronet is a Member, and half consisted of lugubrious prophesies and lamentations as to their inability to carry it on. But I shall answer his question more fully. I shall contrast with it the course which I pursued in respect to the Orange societies last Session of Parliament, and the course which the Government pursues in respect to the National Association in Ireland during this. I am told by hon. Gentlemen on the other side of the House, that the greater part of my support in the House is derived from the adherence of Orangemen to me, and the influence of Orangemen in my favour. Now, I appeal to my hon. Friends behind me, many of whom were then members of Orange societies, whether any man could be more anxious to persuade them than I was at the time his Majesty's commands for their suppression was issued to acquiesce in them—or whether any man could have been more studious to change and divest those societies of the spirit that pervaded them which might have been dangerous to the peace and tranquillity of the country? In those endeavours I was aided by the noble Lord, the Secretary for the Home Department, who, on that occasion, spoke the sentiments of the Government. Will he now take the same course with regard to the National Association? He cannot depart from his principles of identity in legislation, although the national Association, and not municipal laws, be the subject of discussion. When the suppression of the Orange societies was in question the noble Lord came down to the House, and stated that he had consulted the law-officers of the Crown—the Attorney and Solicitor General—and that there existed doubts in his mind as to the illegality of these societies. He threw himself therefore on their loyalty, and he said he felt himself compelled to rely on their good sense. That was the appeal he made to them—will he try a similar one with the loyalty of the National Association? He said, moreover, that secret signs and symbols were not illegal; but that secret meetings, held in different parts of the country, presided over by regularly appointed presidents, were so. He also urged the right of the Crown to ask any one in its employment, especially if it was one of trust and responsibility, whether he belonged to a secret society of any kind, and if he did, to discharge him, unless he at once dissolved his connexion with it. Did the noble Lord ask that question of Mr. Pigott? I think the principle laid down by the noble Lord was, that when a civil office is to be conferred the Government shall lay down the conditions on which it can be held. Did the noble Lord exercise the right he asserted on the former occasion to do that in the instance of Mr. Pigott? If the dissolution of all connexion with societies of that nature was required as a *sine qua non* of all persons appointed to or serving in situations under the Government, why did not the noble Lord require it in this case as well as in the other case where Orangemen were in question? The noble Lord on that occasion also said, in allusion to the magistracy, that no man should be appointed who belonged to any political society, because the Bench should be free from all suspicion, and the magistrate should have the character of impartiality with all classes of society which he was called on to deal with. I think that is a good rule, but has the noble Lord applied it to the recent appointments to the magistracy of Ireland? Have no members of the National Association been made magistrates since their connexion with it? The noble Lord expressed his confidence in the loyalty of the Orange societies, and stated that he was satisfied they would obey the King's wishes, and dissolve without the necessity of any law against them. Has he made a similar experiment on the loyalty of the National Association? Has he equal confidence in that body? But why do I ask, what is the meaning of the Prime Minister of England condemning and denouncing this association in the House of Lords, when a vacancy in a public situation of great trust is filled by one of its most active members, and you boast in the House of Commons that you and the law-officers of the Crown are identified with it? I know that a distinction may be drawn by a technical mind between the nature of the two classes of associations. I know that it may be urged that one was secret and exclusive, composed alone of Protestants, and holding its meetings in private, while the other is open to the public, and free to all conditions and creeds to enter into. But let us examine for a moment this distinction. The noble Lord declared that secrecy was not illegal; and it appears that the only penalty which it could incur would be the hon. Gentlemen's disapprobation on the other side of the House. But, even supposing it were, it is not in secrecy alone that danger consists. The Jacobin Club of Paris was not a secret club; its sittings were open to all comers. Yet what mischief did it not do? That club, which has ramifications all over the country—which has pacificators in every place—which collects money—which interferes with the administration of justice, and the due execution of the law—that is the dangerous club. Such an one is the National Association. It is said that it is a consequence of bad legislation. So much the worse is it likely to be. Why, then, encourage it—why sanction its proceedings? You, who conclude all your speeches respecting Ireland with a cry for impartial justice as well as equal laws, why, I ask you, do you place in offices of power and responsibility men who belong to an association which could pass this resolution and be prepared to act on it. Resolved —"That it be recommended to all parishes throughout Ireland to hold public meetings on the same day in every part of the kingdom." What is the object of that resolution, let me ask you, except it be to show the physical force which they command, and so to compel acquiescence in their wishes? And for what purposes were these meetings to be held, and was this display of physical force to be organised? The resolution explains the whole matter, for it concludes thus—"To petition in favour of Corporate Reform, Vote by Ballot, the total Abolition of Tithes, and to appoint Pacificators." When the downcast clergy of the Established Church in Ireland are seen daily struggling for the maintenance of their legal rights—and daily driven down also by famine and privations of every description, because they can not get what is their right by law—when the noble Lord opposite tells us that that country is in a state of perfect quietude, and offers these injured men a verse of a modern song as an only consolation, while the more eloquent prose of the insurance offices informs them pithily that their lives cannot be insured—when such men as Mr. Pigott are put into offices of high trust, without relinquishing their connexion with an association which cries aloud for the abolition of the "blood-stained impost, tithes," then is all confidence in the integrity of the Government destroyed, and every honest man will begin to think it his duty to take care of himself. Such is the state of Ireland at present. With respect to the exercise of the Royal prerogative of mercy by the Lord-Lieutenant of Ireland, the noble Lord opposite admits that several prisoners were discharged by that Nobleman, on his visitation of the kingdom—some of them according to the regular forms used in such cases, others without attending to those forms. When the subject was first mooted, it was said to us, "Oh, you object to clemency—you lack mercy." We answer, that we do not object to clemency, and we hope that we do not lack mercy. We do not object to clemency, but we do to its injurious exercise. Clemency, well-timed and applied properly, is a blessing; but to give it a good effect, it should be extended with due regard to the claim of those praying for it—with a due regard to the public interest, including the respect owing to justice, and with a careful attention to the character of the judges who tried the convict, and who, to administer mercy wisely and rightly, ought, in all cases of the kind, to be consulted by the person having the power of extending it. We do not object to clemency; but we object to that which, under its sacred name, would make the administration of justice odious; and, by giving one party the exclusive privilege of indiscriminate mercy, would render another the object of hatred and fear. Such an use of the Royal prerogative is only calculated to make mercy odious, and clemency ridiculous. The Lord Lieutenant had dealt with clemency, in round numbers, merely on the report of an inspector of prisons. Now, I would ask, is there any precedent for such an indiscriminate application of the great attribute of mercy? Certainly not, upon any principle, or on any known authority. I recollect I had the honour of accompanying his late Majesty on his visit to Scotland—a visit of peculiar interest, as it was the first occasion on which that portion of the empire had been visited by a Prince of the House of Hanover, as the Sovereign of the country. Now I doubt very much that, on that occasion, any person confined on a criminal charge, was liberated, to do honour to the visit of the Chief Governor—and I think I do recollect, that some persons confined for breaches of the excise laws, were discharged from prison; but even this was not done until the cases had been referred to the Excise-office, and a selection made of the cases that were most deserving of the Royal clemency. This is the only instance that I know of, in which mercy was extended to persons confined for offences against the law, on the visit of a Chief Governor. Oh! yes, there is one other instance that occurs to my mind, but it is of a poetical nature. It is recorded in a farce—a farce known, I believe, by the name of *Tom Thumb*. If I recollect right, and I refer to the classical authority of the hon. Gentleman opposite, the *King* and *Lord Grizzle* appear upon the stage. The *King* says, "Rebellion is dead—I'll go to breakfast." And to celebrate the auspicious event, he says, "Open the prisons—turn the captives loose—and let our treasurer advance a guinea from our royal treasury to pay their several debts." These are the only two instances of mercy extended to prisoners on the visits of Chief Governors to particular towns with which I am acquainted—one is from real life, and the other from fiction. On the visit of his Majesty, to which I have alluded, some offenders were certainly pardoned, but on a visit of the Lord-Lieutenant to the prisons, the governors are called on to sacrifice a hecatomb of victims to grace the majesty of a Chief Governor. But now with respect to subordinate points; for, after the overwhelming debate which the noble Lord had opened on the 14th Resolution passed at the Dublin meeting, one is almost inclined to forget that such matters as a Municipal Bill, a Poor Law Bill, a Church Bill, and a Tithe Bill, remain to be discussed. With regard to the Municipal Bill, I was glad to hear that the hon. and learned Member for Bath had on that point reserved to them the right of free discussion; and I will therefore state my opinions on that subject with as much absence of personality as the hon. Member can desire, and with as much mildness as is consistent with the very strong objections I entertain to it. In the address of the noble Lord to the House, he said, that because Englishmen inhabited England, and Scotchmen inhabited Scotland, we considered them deserving of municipal government, but because Ireland was inhabited by Irishmen, we considered them not to be entitled to the same advantage, and were determined to withhold them; and we are told, that because we withhold these privileges, we offer an insult to the Irish people. Now, Sir, I utterly disclaim intending to offer any insult to the Irish people. It is not because they are Irishmen that I do not think it politic to extend to them the same corporate rights that England and Scotland enjoy. No, Sir, it is on far different grounds. It is because I entertain great doubts of the goodness of that policy which would destroy one set of corporate bodies, and establish another description of corporate bodies in their stead, which would be liable to the same objection as the old. It is contended that, according to the Act of Union, and after the Catholic Relief Bill had passed, there ought to be an equality of rights and privileges extended to Ireland, and the other branches of the Empire. I fully grant that, under those Acts, the people of Ireland have a perfect right to the enjoyment of all civil privileges; but I utterly deny that corporations form any portion of those civil rights. Will any man say that injustice is done to Manchester or Birmingham, because they have not had charters of incorporation granted to them; or, if those towns have been unjustly excluded, I ask, why have not those privileges been extended to them? It is not the principle of self-government that is at all involved in this question, but whether or no corporate institutions shall be continued in Ireland. I am bound to admit, that the presumption is in favour of the continuance of those institutions because of their antiquity, and because similar institutions exist in England; but I do say, notwithstanding, that if the continuing of these institutions in their renewed shape shall appear dangerous to the safety of other institutions which we are still more strongly bound to preserve—I say, if they endanger the free expression of opinion by the minority, and expose some of the best interests of society to great hazard, then I say there are reasons, and reasons which go far with me in countervailing the other arguments in favour of the continuance of those Corporations. I know we are accused of entertaining a prejudiced and bigoted feeling against the Roman Catholics. For myself, I can only meet such an accusation with the most direct and positive denial. No such feeling exists with me. The right hon. Gentleman opposite asks me what I mean to do with the municipal question in Ireland when I come into office. Now he is in office, and let me ask him, in return, what he means to do with the Church of Ireland? Does he mean to disturb it or not? He is bound to answer that question. I say, that when I see an Association established in Ireland arrayed against the Established Church, and I am told that that Association will be continued while the Church is suffered to exist—when I know the power which the re-establishment of Municipal Corporations would give to that Association—can I doubt that the Church would be endangered by their existence, when the main object and efforts of the Association to which I allude, are avowed to be the destruction of the Established Church in Ireland? When we are told, that we on this side of the House are influenced by hostility to the Roman Catholics in our opposition to this measure, have we not something to complain of? Have we not some right to entertain a feeling of jealousy? In the year 1829 we passed the Act for the relief of the Roman Catholics. I never took any praise to myself for the part I had in passing that measure, because I own it was forced upon me. I leave to others the sole credit of having passed it; but to charge me with having joined in passing it for the purpose of retaining office is altogether unjust and groundless. What would they say if the fact were, although it might not be known, that I was out of office the very night before I proposed the Bill to the House! It was said, that if that Bill passed it would restore a perfect civil equality in Ireland, and the question was asked in every way, what would be the feelings of the Roman Catholics towards the Established Church in the event of the Bill passing? The answer of Dr. Doyle, and all others of the Catholic Clergy and laity to whom the question was put, distinctly was,—"The complete removal of our civil disabilities will prevent any future intermeddling with the Church Establishment, that all agitation will cease, and that there will be a return, both on the part of the laity and the clergy, to the peaceful occupation of their former lives." We are now asked for further concession; but are the same promises and declarations made to us? No such thing. After we had been told that the Church Establishment should not be subverted—after hoping that the granting of equal civil privileges would put an end to all further demands—the Representatives sent to this House are told that it is their duty to obtain entire religious freedom. They were told that while the Church Establishment remains, we are to have unabated agitation, and that the new normal schools shall be applied to that purpose. When we hear it declared, that while the Church Establishment exists in Ireland agitation will never cease, do we offer an insult if we refuse to strengthen the means for this agitation? Do we offer an insult if we desire to defend that Establishment? What, I ask, was the language of him whom the Roman Catholics themselves selected as their advocate? What was the language of Lord Plunkett, the most powerful and able advocate, in my opinion, that the Roman Catholics ever had? I mean to speak of the ability exhibited upon the Roman Catholic question: he more than any other man contributed to the success of that measure. He must have spoken from his instructions: he was the chosen advocate of the Roman Catholics: he asked the Protestants of England to waive their prejudices; and he told them what were his opinions with respect to the Church. I ask you, are they stronger than mine? Lord Plunkett is still a Member of the Government: has he changed his opinions? These opinions were delivered by him in bringing forward the Roman Catholic question, and the people of England had confidence when the advocate of the Roman Catholics expressed those sentiments. Lord Plunkett said, "If I could agree in believing, that no step could be taken towards the Emancipation of the Roman Catholics without destroying the Protestant Church in Ireland, I, who have supported these claims from my earliest life, would at once abandon them. I would change sides, and become as strenuously their opponents as I have been their conscientious advocate." Lord Plunkett said this, and he said more. He said, "I look upon the Protestant Church Establishment in Ireland as settled at the Union, and to talk of shaking it without shaking the whole empire is idle. The Protestant Church Establishment is the cement of the Union, and is interwoven with the institutions of both countries, and, if destroyed, all public security must be shaken, the connexion between the two countries destroyed, and the ruin of private property must follow the ruin of the property of the Church." When was this opinion given by Lord Plunkett? Not in 1825, but in 1828, the very year before the Catholic Relief Bill passed. If those opinions were sound, I appeal to the people of England, who are so constantly invoked [cheers]—if I understand those cheers the hon. Gentlemen opposite mistake me: I do not mean the English people exclusively; but I say I do appeal to the people of this empire, who must ultimately be the judges if the opinions of Lord Plunkett have been verified. I appeal to their deliberate judgment, whether, when they see an association, levying large contributions, and declaring that it never will cease agitation while the Established Church exists, they can hesitate to believe that to grant such corporations as this Bill calls for to the towns in Ireland would not be to endanger the other institutions of the country? The noble Lord, and he was glad to hear it, intimated his intention of sustaining the Established Church; but I ask on what principles he will sustain it? The noble Lord quoted an expression of Mr. Fox respecting concession as a means of procuring good and peaceable government in Ireland. If the noble Lord agrees in the sentiments of Mr. Fox—if he says, I will concede one thing, and if that is not enough I will concede another, and when he finds that the grant of municipal corporations will not satisfy those who call out for justice, what will he next concede? Why, if he believes that this last concession will satisfy them, he has more grounds for the belief than I have, when I find that after battling for four or five years the foundation is no better than it was before, when the principles of concession advocated by Mr. Fox virtually commenced. Now, let me ask, if this system of concession is to go on, how the noble Lord is to maintain the Church? The noble Lord, concurring with Mr. Fox, said he knew no other plan for governing a people but by allowing them to have their own way. But the noble Lord must know, for he has had fair notice, that while the Protestant Church remains, the National Association will agitate for concession. The noble Lord by adopting the principle concedes every thing—for if he acts on the doctrine that the people must have every thing they demand, he must not only concede till municipal reform is granted, but also till the Protestant Church is destroyed. I heard that declaration from the noble Lord with the utmost regret. There is only one other point to which I wish to refer, and as the best reward for the patience with which the House has done me the honour to listen to me, I will confine myself to that, and ask how the granting of municipal reform will interfere with the administration of justice? These corporations are to have the appointment of the sheriffs, and consequently the chief influence in the administration of justice; and let me ask what will be the consequences of such a concession in the present heated and feverish state of Ireland? What will be its effect on the minority, but to deprive them of that free and independent action which is necessary for the administration of justice? And let me appeal again to that same Fox who warned his audience against mistaking paper regulations for practical institutions --against attempting to establish any identity of institutions in countries of different habits and different manners, and distracted by religious jealousy, thereby interfering with the administration of justice and the protection of equal laws, and not giving that justice which it was the duty of every Legislature to give, to the minority as well as the majority.

Lord *John Russell*, in reply, said, in bringing forward the motion he had endeavoured to avoid topics which could be more conveniently discussed on the second reading, and confine himself strictly to the topics which belonged to the introduction of the Bill. The right hon. Gentleman had complained of the course which he had adopted, and had expressed his surprise that the three great questions affecting Ireland, namely, Corporation Reform, Poor laws and the Church of Ireland, had not been brought under the notice of the House in his opening speech. But he should scarcely have done his duty if he had mixed up Poor-laws which gentlemen of every party were ready to enter into free from party feelings, with a question which had already been, and will be again, the cause of party contention. He had advisedly adverted to the government of Lord Mulgrave in Ireland, because that seemed to him, after what had been said, a proper subject in order to hear the opinions of Members on the opposite side of the House. He should not therefore have expected from the right hon. Gentleman that when an objection was made to that part of the discussion by the hon. Member for Bath, that that interruption should have been attributed to him as if he had interfered. He could only say, that the hon. Member for Bath did not speak from any prompting of his, and yet it had been thrown out, that he had in that way attempted to control the debate. With respect to the resolutions passed at the Meeting at Dublin, he had not read anything in them that induced him to suppose that a petition was the object of the meeting. It might, indeed, have been an oversight—if he had perceived it he should have deferred his remarks for another opportunity. As for the notice for presenting the petition, it had not met his eye. He was not aware how the right hon. Gentleman could expect Government to propose a Committee. As for the allegations respecting the Lord-Lieutenant, a Committee had been proposed to inquire into them, but he was sure the right hon. Baronet would concur with him in thinking that the charges made against Lord Mulgrave could not be referred to a Committee, and that the only way to bring the question regularly before the House was in the shape of impeachment. For himself, he had seen no ground for inquiry into the disputes between Mr. Cassidy and his neighbours, and he thought that no one had been able to attach any blame to the transaction. The right hon. Gentleman who spoke at the close of the debate had pointed out two principal grounds of accusation against the Government of Ireland, the first of which was the appointment of Mr. Pigott to an office of great importance under the Crown, and one in which great confidence was reposed. The right hon. Gentleman made that accusation on the ground of that gentleman's belonging to the General Association, and appealed to what had taken place last year in regard to certain secret lodges and societies, comparing them with this associations. He certainly thought there was a very great difference between a secret society meeting by secret symbols, and a society which held all its meetings openly, and was accessible at all times to the public. But without dwelling upon that point, he would ask the right hon. Gentleman whether, when he formed his Government, two years ago, he had included no persons in his appointments who were connected with Orange lodges? Not to mention more names, was not the hon. and gallant Member for Sligo employed in the administration of the right hon. Gentleman? But he would not content himself with this defence, he would say more; he would speak to the character of Mr. Pigott, and his fitness for the office to which he had been appointed, and that upon the testimony of an hon. and learned Member, who had that evening addressed the House—he meant the hon. and learned Member for Dublin, who declared that Mr. Pigott was a man of very great talent and ability. Well, Mr. Pigott being a gentleman of very great talent and ability, when an office of importance under the Crown fell vacant, was the Lord-Lieutenant, considering Mr. Pigott the fittest person for that office, to pass him by because he chanced to be a member of the General Association. The question was simply this; and the right hon. Member for Cumberland surely did not mean to charge the Government with being connected with that Association, on account of such an occurrence as this. He (Lord J. Russell) took it for granted, that Mr. Pigott, from the time he undertook his appointment, would no longer mix himself up in the meetings of the Association; and he did repeat his opinion that a man of great talents and merit was not to be put aside merely because in a time of great and natural exasperation he had been one of those respectable and loyal persons who had joined the General Association of Ireland. In saying this, he did not mean to deny that the General Association, if it were to continue in operation, might afford grounds for apprehension; but he did not admit the ground taken up by the hon. Gentleman opposite, that the Municipal Corporations, as they were proposed to be framed, would be dangerous, by exercising in them practices against the safety of the Church and the other institutions of the country. It was his firm belief that this Association would not have been in existence if the Municipal Corporations had been established last year. The Association, therefore, and its resolutions, which had been so much complained of, were the consequence not of Municipal institutions, but of the refusal to grant them. The Association certainly had not assumed any one feature which was now reprobated, till the Irish felt themselves insulted and aggrieved. The right hon. Gentleman, going into other subjects, had likewise censured him, because he had not brought forward the question of the Church of Ireland. He could only say that his wish and intention was, as far as lay in his power, to maintain the Church of Ireland; but, at the same time, he must tell the right hon. Gentleman, and the friends who acted with him, that they were the persons who had put the Church of Ireland into jeopardy. His firm belief was, that if the Bill of the year before last had been accepted, they would have obtained, on the cheapest possible terms, a measure of defence for the Church of Ireland, better than they had any reason now to expect. Having once, in the passing of that measure, obtained a very large majority of this House, pledged to maintain the Church of Ireland upon the footing established by it, that in itself would have been a very strong guarantee for the security of the Church. "You chose," said the noble Lord, "to reject that Bill, and all I can say at present is, that I view with pain, with great pain, the present condition of things, not only as it affects the Church of Ireland, but as it affects those from whom the revenue of the Church of Ireland is raised. All I can say is, that if, at the commencement of the session, I had stated any plan as to the Church of Ireland, or as to the tithes, I should not have been likely to have produced more agreement on these subjects than existed in a previous year. But it will be my study to find some method by which Parliament can come to an agreement in the present session on this subject. I am ready to consent to a considerable sacrifice; but what I say is this—I do not say, whilst I profess an intention to maintain the Church of Ireland,—I do not say that you can expect any such a compromise as the year before last many persons were ready to accept. The Church of Ireland stands in an anomalous position with regard to the people of that country. I have read many works on our own church; I have read the charge of the Bishop of Exeter, in which it is stated how much benefit has resulted to the social relations of this country from the Established church, especially in the instruction of the poor; and the benefit which the great mass of the poor of this country has derived from the church. In all this, as regards the Church of England, I am disposed to agree; but no man can say that the remark applies to the Church of Ireland. It is this situation which makes it not a matter for mere party debate and taunt, but a matter of great difficulty and importance, to consider how, in such a situation, the Church of Ireland can be maintained. I think the circumstances of this country, and the circumstance of its union with Ireland, and the great mass of property in Ireland connected with the church, and interwoven with our laws, make it a matter, not of choice, but of duty with the Ministry of this country, to do their utmost to support that church; but it is not a matter of mere debate, but a subject which requires great previous attention and deliberate consideration. That deliberate consideration I am disposed to give to the subject: I should not wish to introduce a measure which would not have at least a chance of passing through Parliament, and that would not be likely to produce some degree of satisfaction and content in Ireland; and I think that will be a task of some difficulty, considering the objections to the Bill of a former year. I do not intend, therefore, to bring it forward early in the session, but rather to postpone it till a later period; but I say again, that no personal feeling of mine, no false pride on my part, shall stand in the way of a settlement of this great question."

Leave was then granted to bring in the Bill.

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HOUSE OF LORDS,

Thursday, February 9, 1837.

Minutes.] Petitions presented. By the Duke of Norfolk, the Earl of Burlington, and the Marquess of Lansdowne, from the Dissenters of Coventry, Matlock, Bath, and other places for the Abolition of Church Rates.—By Lord Wynford, from Ipswich and Godmanchester, for Alteration or Repeal of Poor Law Act.—By the Marquess of Lansdowne, from the Guardians of Milton and Romney Marsh Unions, for the New System of Poor Laws.—By the Earl of Burlington, from the Baptist Congregation, Brook-street, Derby, for the Better Observance of the Sabbath.—By the Earl of Winchilsea, from Milton and other places, for the Preservation of the Rights and Privileges of the House of Peers.

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HOUSE OF LORDS,

Friday, February 10, 1837.

Minutes.] Petitions presented. By the Earl of Radnor, from Huddersfield, Warminster, and Salisbury; and by Lord Brougham, from Gosport and other places, for the Abolition of Church Rates.

HOUSE OF COMMONS,

Friday, February 10, 1837.

Minutes.] Bills. Read a second time:—Sedition (Scotland); Court of Session (Scotland); Small Debts (Scotland).—Read a first time:—Sale of Beer; Offences against the Person; Post Office Contracts.

Petitions presented. By Mr. Gillon, from Lanark and other places, for the Repeal of the Duty on Soap.—By Mr. Gillon and other Hon. Members, from several places.—By Mr. Hall, from Monmouth, for the Abolition of Church Rates.—By Mr. Gillon and other Hon. Members, from Glasgow and other places, for the Repeal of the Duty on Soap.—By Sir Samuel Whalley, from St. Marylebone, for Repeal of Window Tax, and for the Establishment of Boards in Ireland, for the Relief of the Poor.—By Mr. Robinson and Mr. Brocklehurst, from Worcester and Macclesfield, for Repeal of Duty on Tobacco.—By Mr. O'Connell, from Dublin, complaining of the Practice of Registering Fictitious Votes; and from the Isle of Anglesea, that the Clergymen appointed to Welsh Parishes may understand the Welsh Language; and from Brentford, for the Abolition of Tithes, and for Municipal Reform.

Ludlow Corporation — Mr. L. Charlton.] Mr. *Blackburne* had to present a petition, signed by the Mayor, Aldermen, and Common Council of Ludlow, which he considered worthy of some degree of attention from the House. The petitioners prayed that some remedy might be afforded for the very serious grievance to which they had been subjected by the conduct of their predecessors in office, the councillors, under the old law. It was provided by a clause in the Municipal Corporations' Act, that immediately upon the election of the new council, all papers, deeds, and documents of every description which had belonged to the old council should be delivered into the custody of the new; and by another clause, it was enacted, that no disposition of property on the part of the old corporation should be valid if made after June 5, 1835, unless in pursuance of some previous valid covenant or agreement. Now the old corporation of Ludlow, instead of giving up their papers, deeds, &c., into the hands of the new council, had thought fit to make an order on the 23rd of December, a few days before they went out of office, to put into the hands of certain bankers all their deeds, documents, and papers, as security for a balance of an account, amounting to 3,000*l.* and owing by them to these bankers. By this means, the new council were prevented from taking possession of these documents; repeated applications for the production of which had been made, but without any effect. The new council were, in consequence, unable to come at any knowledge of the acts of the old; but there was reason to think that the sum, whatever it might be, which was owing by that body to their bankers, at or about the passing of the Act, was increased between the months of October and December, 1835, by no less than 1,800*l.* But since, by another clause, the new town-councils had no power to call in question the acts of the old corporation, after the expiration of six months from the date of their election, it was obviously for the interest of those corporators to keep the new body in ignorance of their proceedings for that period, at least. Nor would the House be surprised at the caution exhibited in these proceedings when they were made acquainted with the description of bargain which they had entered into with the hon. Member for Ludlow (Mr. L. Charlton). They had passed a resolution to sell or exchange certain property with the hon. Member for Ludlow, not in consequence of any recent contract, but of an agreement bearing date twenty-three years previous to that transaction. The hon. Member, who was also one of the old corporation, possessed a life interest in a house called the Charlton Arms in Ludlow, to the amount of 32*l.* per annum, on the rack-rent. On the 28th of October, 1835, the corporation made a proposal to Mr. L. Charlton, to pay him 500*l.* for the alteration of this house according to a specified plan, to which Mr. L. Charlton having assented, the corporation next thought proper to present the hon. Gentleman with 50*l.* more, together with their thanks, in consideration of his altering a road leading to the house in question. But this was not all, for only two days before they went out of office, they made him a further present of 50*l.* for altering the road, thus making up 600*l.* in all, for alterations about a house in which he had an interest to the value of 32*l.* a-year only. The hon. and learned Member was proceeding to refer to the appointment of trustees of charity estates in boroughs having been placed in the hands of the Lord Chancellor, when

Major *Beauclerck*, rose to order. He was sure it did not occur to the hon. and learned Member, but he would beg to suggest, that the hon. Member for Ludlow (Mr. Charlton) was not in his place. It would be better to suspend this discussion at present.

Mr. *Blackburne* would propose, that the petition be printed, and referred to the Committee, before which the case of Mr. L. Charlton then was.

Sir *George Clerk* was of opinion, that the subject-matter of this petition did not fall within the province of the Committee of Privileges. He put it to the hon. Member, whether it was not a fact, that the subject of this petition formed part of the case now under litigation in the Court of Chancery? He understood that the papers were now in the Master's-office, and if the Court should not eventually do enough to meet the hon. Member's views in this case, then it would be time enough for him to bring this petition before the House. He would suggest, therefore, the propriety of letting the matter drop for the present, more especially as it could not be long before the decision of the Committee would be communicated to the House.

Mr. *Blackburne* said, that, as regarded the question of order, he really could see no reason why he should have been interrupted on that ground. Had he been allowed to proceed, he should have shown that the petition had reference to many points involved in the question now under the consideration of the Committee. The subject of inquiry was, whether a real contempt of the Court of Chancery had been committed, not merely whether the Lord High Chancellor had declared such contempt to have taken place, and many parts of the petition would have served to elucidate this matter. In the prosecution of his duty, as a Member of that House, he should not refrain from presenting any petition which was intrusted to him merely because an hon. Gentleman was accidentally absent from his seat who might be referred to in the statements of that petition. He could not consent to put off the presentation of a petition for an indefinite period on any such grounds. What other means of redress were within reach of the petitioners, but that of a petition to the House of Commons? The petition in no respect interfered with the inquiry before the Lord Chancellor; the subject matter of that inquiry was the appointment of trustees of charity estates; it had no relation to the disposal of the property of the late Corporation, and if he (Mr. Blackburne) found that the property was wasted upon an hon. Member of that House, surely he was entitled to present a petition setting forth the grievance and praying for legislative relief and redress. As there could be no doubt that many facts stated in this petition were calculated to facilitate the inquiry now before the Committee of the House, it was proper that the petition be referred to them, the better to enable them to come to a correct decision on the subject.

Sir *Edward Knatchbull* said, the inquiry before the Committee had nothing to do with the subject of this petition; the contempt of court had no reference to the retention of these documents and deeds, but to a letter written by Mr. L. Charlton. He should suggest to the hon. Member to take the advice of the hon. Member for Surrey.

Mr. *Edward Clive* said, that although the names of two noble relatives of his were mentioned in the petition, he would content himself with declaring, for them and for himself, that, so far from shrinking from inquiry, they courted inquiry as far as it could be carried. He had seen the hon. Member for Ludlow, and had shortly stated to him the nature of this petition, and it was but justice to him to state that he professed himself perfectly ready to meet all inquiry. With these observations, he should sit down. The question as to how far the hon. Member was correct in bringing forward this petition in the absence of the hon. Member for Ludlow was for the House to decide; he would only repeat, that he, as well as his noble relatives, courted inquiry to the fullest extent.

Mr. Blackburne moved, that the petition be referred to the Committee of Privileges.

Sir *George Clerk* felt great objections to encumbering the inquiry before the Committee with this subject. They hoped at present, to be enabled to present their Report to the House by Monday; he should resist any reference of this sort, which must unavoidably have the effect of prolonging their deliberations.

The *Speaker* said, that the only ground for referring this petition to the Committee of Privileges would be, that inquiries had been entered into before that Committee with reference to the subject of this petition; but from the statements of this petition, it was clear that it had no bearing upon the matters under the consideration of the Committee, and as it seemed most objectionable to refer to a Committee petitions which had little or no connexion with the subject of the deliberations of the Committee, he would suggest, that it would be better for the hon. Member to take some other course.

Mr. Blackburne moved, that the petition be laid on the table.

Agreed to.

FISHERIES ON THE COAST OF FRANCE.] Captain *Pechell* presented a Petition numerously signed by the owners and masters of vessels at Brighton, complaining of numerous grievances, which he hoped he might be excused for stating to the House. The petitioners set forth that they had invested property to the amount of 10,000*l.* in the fisheries, and that on the nights of the 3rd and 4th instant their property had been damaged by the French fishermen to the extent of several hundred pounds; that remonstrances had been made in various quarters on this subject, since the year 1829, but no relief had been obtained. The consequence was, that a very large body of men, were, at this moment, totally out of employment. The Duke of Wellington had answered to a memorial laid before his Government on the subject, that the British fishermen might take the law into their own hands. But retaliation was out of the question; for the French boats were better built and better manned than the English. He should only at present remark, that it was extraordinary, that whilst the French suffered no fishing vessels of any nation to approach within nine miles of their coast, their vessels were in the habit of coming within boat-hook's length of the British shore. He should shortly call the attention of the House more fully to this subject.

Mr. *Labouchere* felt it was necessary to trouble the House with a few remarks in consequence of what had fallen from the hon. and gallant Member, otherwise, those who were uninformed on this subject might receive an impression that his Majesty's Government had been guilty of great negligence in not providing a speedy remedy for such grievances. Now, he would engage to say, that if the facts stated by the hon. and gallant Member were embodied in the shape of a memorial, and laid before the Board of Trade, no time would be lost in communicating with the Board of Admiralty, and, in case the facts upon inquiry were made out, no time would be lost in affording the proper naval protection. He did not know whether the terms of the treaty with France were complained of; that was a very different matter; if any infraction of that treaty had taken place, no time ought to be lost in making the proper representations to the Foreign office. He would only remark that the most speedy mode of procuring redress for the constituents of the hon. and gallant Member would have been to have, in the first instance, memorialised that department of the Government to which the matter more properly belonged; and if their representations had been disregarded, then it would have been time enough for the hon. and gallant Gentleman to come down, and ask redress from that House.

Captain *Pechell* said, remonstrances on this subject had been made time out of mind; and though he would not say the present Government had not shown every disposition to afford protection, he did assert that protection had been refused by the Board of Admiralty, of which the right hon. Baronet, the Member for Cumberland, was the head. This he could show by documents in writing, if necessary. He was determined, if Government refused, to take up this matter himself, with a view of compelling the French to observe the principle of equity and justice.

Mr. *Labouchere* could only assure the hon. and gallant Member that no time would be lost in making application to the Admiralty, who would, he could take upon himself to say, pay every attention to the representations made to them.

Petition laid on the Table.

Court of Session (Scotland).] The Lord Advocate moved the second reading of the Court of Session (Scotland) Bill.

Mr. *Wallace* hoped that the learned Lord intended this Bill but as introductory to further measures; for unless something were done to remove the evils in the Scotch Courts, which were, he might say, recognised in the present Bill, he (Mr. Wallace) should feel it his duty to take up the subject, with a view to completing these reforms. There was very much that was reprehensible in the present system of taking evidence in some of the Scotch Courts; *viva voce* evidence was entirely excluded from the supreme courts, a practice that prevailed in no other Court in the universe, he believed, except, indeed, the English Court of Chancery, which had always been an exception to every sound rule of jurisprudence. If the Lord Advocate did not bring in a Bill to allow *viva voce* evidence to be given in the Court of Session, he (Mr. Wallace) would do so himself.

Mr. *Cutlar Fergusson* defended the Report of the Commissioners. He admitted that it might be well to allow *viva voce* evidence to be taken in the Court of Session, but it was necessary that the greatest caution should be exercised in making the change.

The *Lord Advocate* was satisfied that the country was under great obligations to the Commissioners who drew up the Report. He was happy to find that the general merits of the Bill were admitted by all parties. The change proposed by his hon. Friend, the Member for Greenock, was one which did not come within the scope of the present Bill.

Bill read a second time.

Recorders' Court Bill.] The Solicitor-General moved, that the Recorders' Court Bill be read a second time.

Mr. *Harvey* said, there was much novelty, much expense, and much violation of important principle, in this Bill. He wished particularly to draw the attention of his Majesty's Attorney-General to it, and to know whether it had his sanction. The Corporation Reform Act gave the town-councils the power of suggesting to the Crown the salaries they were prepared to pay to the Recorders to be appointed. This Bill proposed to give these Recorders the power of appointing deputies in all cases in which the business of the quarter sessions extended beyond three days, including the day upon which the court was opened; and these deputies were to be paid out of the corporate funds, or where these were insufficient for the purpose, out of a rate to be levied upon the inhabitants of the borough. But it was to the unconstitutional power of delegating to the Recorder, who was a high judicial officer, the power of naming a deputy that he more particularly objected. Nor was it proposed to restrict the power of the Recorder to the naming of his deputy merely. He was also to have the power of unnaming him; for his appointment would be by a power of attorney, or some similar instrument, which he could revoke at pleasure. Surely such a power was in the highest degree objectionable. If these gentlemen found their duties too heavy for them, they were at liberty to retire; but it was rather too soon for them to come to that House for a power to add to the expenses of the boroughs to which they had been appointed. but it seemed that there was to be not merely a deputy Recorder; there was also to be a deputy town-clerk, and a deputy town-crier; the whole expenses of which were to be thrown upon the town. Then, let him call the attention of the House to this fact, that the Recorder was a judge, not only in civil, but in criminal cases also; having, in some places, a jurisdiction commensurate with that of the judges in the superior courts at Westminster, holding pleas of any extent, and taking cognizance of matters of life and death. He was to be allowed to name a deputy; well, was it right that such an officer should be paid by the day? Was he to have a sort of flying interest in the protraction of the cases he had to try? He was to have his three guineas or his five guineas a-day, he (Mr. Harvey) supposed; but surely that never could be the mode in which the judges of the land should be paid. Then let him ask who these deputies were to be? Some small Barristers, who were one day without a brief, and the next deciding upon evidence, and awarding sentences. Was that seemly or proper in any point of view? He trusted that before the Bill was suffered to pass, the several points to which he had adverted would receive due attention, and that the whole measure would be rendered less exceptionable than he could not but feel it now was. While he was up, he would take the opportunity of stating that when the Bill went into Committee, it was his intention to move the insertion of a clause to the effect that no person appointed to fill the office of deputy Recorder should be capable of representing in that House the borough in which he presided. He would also give notice to the hon. and learned Gentleman (the Attorney-General) that when his Bill for amending the Municipal Corporation Act was in Committee, he intended to move the insertion of a clause to the effect, that no person hereafter appointed Recorder in a borough should be eligible to hold a seat in that House.

Mr. *Wortley* could assure the hon. Gentleman, that so far from throwing a greater expense on the borough, this Bill would be a relief to the witnesses, to the prosecutor, to the jury, and to the borough itself. He hoped, therefore, the House would allow the Bill to be read a second time.

Mr. *O'Connell* thought it would be against the principles of law and justice to allow the Bill to be passed into a law. It might be well enough to allow the councils to appoint a *locum tenens* for the Recorder, but to allow the judge to appoint his own deputy was a power which would never be allowed in superior courts. Let him suppose that Lord Denman was to appoint a Deputy Chief Justice of England, he would be very apt to lose whatever glory he had acquired by proscribing that House as a publisher of libels. He must certainly vote against the Bill.

Lord *John Russell* did not object to the general objects of the Bill. He thought that, in such cases as that of Leeds it was likely enough that a deputy might be required—but he trusted that the hon. and learned Member who had charge of the Bill would take time to relieve it from some of the objections which now seemed to lie against it.

Bill read a second time.

EDUCATION IN IRELAND.] Upon he motion that the Sheriffs' County Court Bill be read a second time,

Lord *Stanley* rose, and said he was anxious to ascertain from his noble Friend, the Secretary of State, whether there was any intention on the part of his Majesty's Government to appoint a Committee to inquire into the working of the system of National Education in Ireland? That measure had been introduced as an experiment, and it had now been in operation for a sufficient length of time to afford proofs of the way in which it had worked. His noble Friend would admit, he was sure, that the conflicting statements made in that House and elsewhere should be set at rest. If it was the intention of his noble Friend to take up the question, he would be most happy to leave it in his hands; but if there were no such intention on the part of the noble Lord, he should certainly take an early oppurtunity to move for the appointment of a Committee to inquire fully and impartially into the practical working of the system, so that if it had operated beneficially, it might be continued, and if prejudicially, that it might be suppressed.

Lord *John Russell* said, he should certainly feel it to be his duty, in the introduction of any measure, to give poor-laws or any other measure of improvement to Ireland, to see that steps were taken to promote a good and extensive system of education for that country. He agreed with his noble Friend, however, in thinking that an investigation should be instituted, for the purpose of ascertaining whether the system now in existence was the best that could be devised. But whether that should turn out to be the case or not, he was satisfied that education, and general education, was a thing that should be promoted by the Legislature and the Government. It was his intention, however, on an early day to propose a Committee of inquiry into Education in Ireland. But he could not even thus advert to the subject, without stating it as his opinion that the present system was working well. It was due to those persons by whom it had been conducted to state that opinion, although, as he had already said, he was in favour of the fullest inquiry into the subject.

Mr. *Maclean* wished to know whether it was the noble Lord's intention to include in that inquiry the system of education adopted at Maynooth?

Lord *John Russell* said, he did not think it would be desirable to include Maynooth in the inquiry. With regard to any special inquiry into the college of Maynooth, he saw no objection to such an inquiry. His opinion was, that the result of it would be to show that the grant to that college should be increased.

Mr. *Hume* wished to know whether there was any objection to inquire into the systems of education pursued at Oxford and Cambridge? If it were considered that the system adopted in Ireland was so important to the people of that country, and he admitted that it was so, surely the systems acted upon at Oxford and Cambridge could not be less important to the people of England.

Subject dropped.

County Boards.] Mr. *Hume* rose to ask leave to bring in a Bill which he had introduced last Session, for the appointment of County Boards, to superintend the financial department in each county. The late period at which the Bill had been introduced last Session, prevented its getting farther than the first reading. Since, then, however, the country had been made acquainted with its provisions and its objects, for he had sent a copy of the Bill to the clerk of the peace in each county. Perhaps he might be told by some persons that this was a very gratuitous act, but he conceived he had only done his duty. A Bill brought in by the hon. Member for Stroud, and passed at the end of last Session, had rendered most of the enactments, which the Bill he formerly introduced contained, useless. The one he now sought to introduce made a complete distinction between the financial and the judicial business of the county. It was limited to the financial department only—the judicial, he thought, ought to remain with the representatives of his Majesty. Much misconception had gone abroad on the subject of the present Bill, and he thought it necessary to state its principle and its object. It was intended that a council should be elected in each county by the rate-payers in the county for the management of the finances. By the previous Bill it was provided that all divisions of the counties were to be made by commissioners to be named under the Bill. Some suggestions had been made to him on this point, and it was now intended that the divisions made by the Poor-law Commissioners should be adopted where that was found advantageous. He therefore proposed that the Commissioners should have a discretionary power to adopt divisions already existing, and to make them where it was necessary; and he had no doubt that if the council were once established, they would, in a few years, be able to point out the exact limit of every division. It was proposed, also, that an election should take place in every parish, the votes to be taken by proper officers, and the returns to be sent to the officer of the union. The Bill also appoints auditors, to be elected by the rate-payers, and all officers under the Bill, from the secretary to the servant, were to be paid a certain fixed salary, but to be entitled to no fees. The Bill also proposed the establishment of a system of police under the direction of the county board. They would thus obtain throughout the country one uniform and systematic body of police, which he believed would prevent a great many offences, and he was sure that the expense of such a system of efficient police would not exceed the sum expended on the present inefficient body. The Bill went to assimilate the counties to the burghs, and to give to rate-payers the management and control over their finances. It was also proposed that the unions should have the power of recommending individuals to be appointed by his Majesty as justices of the peace. This was a point which he was aware was considered of very great difficulty, but he deemed it essential to the well-working of the system, and hoped it would meet with no opposition. He was anxious to see a responsible magistracy, as it appeared to him the country stood greatly in need of it. He moved that leave be given to bring in a Bill for placing the finances of counties under a County Board, to be elected by the rate-payers.

Mr. *Ewart* begged to second the motion so unostentatiously brought forward by his hon. Friend. He was glad that one portion of the measure related to the county magistracy. There was one anomaly in the present system which permitted clergymen to assume the judicial character. He believed there were two counties in England where clergymen were not allowed to sit on the Bench. He trusted that that practice would be extended to all England, as it was a violation of the attributes of justice and religion, to unite the spiritual and judicial authority in one person. He felt bound to approve of the system of an effective county police, and he ventured to think that the hon. Baronet, the Member for Tamworth, would have acted more in accordance with the spirit of the age, had he, when he established the metropolitan police, placed the management and control of it under a municipal government. The practice of establishing county boards had been long introduced even in despotic countries. They existed in Prussia—they were also established in France and in Belgium. In France, he believed the germ of liberty would spring from them, and not from a subservient Chamber of Deputies. The present Bill was in strict accordance with the ancient practice of this country, and he considered if the measure passed, it would be the greatest boon the country had received since the Reform Bill, if not superior to that Bill itself.

Colonel *Sibthorp* did not rise to oppose the Bill on the present occasion. He had read it, and if it was not the same as that of last Session he considered it as of equally dangerous tendency. He objected to it on one ground—it gave great political power to the Secretary of State, and besides this, it would make an additional charge on the poor-rates, already sufficiently burdensome. He considered the Bill as transferring the whole management of the affairs of a county to a body of persons who had no property at all, and it conveyed an imputation upon a body of men who had hitherto discharged their duty honestly and faithfully. He thought the Bill was introduced for the purpose of undermining the ancient constitution of the country. He feared there would be little use in resisting the measure in that House, particularly in such a House of Commons as they now had, but he trusted in another place it would not meet with approbation. However, as far as he was concerned, he should be always in his place, to give the Bill every opposition in his power.

Sir *Eardley Wilmot* said, that when the hon. Member for Middlesex brought in his Bill last Session, he expressed then, as he did now, his approbation of the principle of not intrusting funds to the management of any body of persons without responsibility, and he was perfectly willing that some restriction should be made upon the power of the magistrates to deal with the county rates, in order that they might escape even the suspicion of corruption. Whether this Bill would have this effect or not was another question. The duties of the magistrates of quarter sessions, were threefold,—the control of the county expenditure; the civil business, which included appeals; and thirdly, the judicial business. Now, any one who had any experience in these matters knew very well, that after the first day of the Sessions, when matters relating to the county expenditure were finished, the attendance was very scanty, and for the hearing of the civil business and appeals there was rarely a bench composed of more than three or five members, although cases of great importance were frequently brought before them and when the judicial business came to be disposed of, it was, with the greatest difficulty sometimes, that he was able to get one magistrate to hear the cases with him, so that if the county business were taken away from the magistrates at quarter sessions, there would be, he would not say no inducement, but no occupation for them, after they had travelled a considerable distance and incurred considerable expense. He contended, therefore, that if this Bill were carried it would alter the whole construction of the judicial establishment of the county, and it would be necessary to have a single person appointed to transact the judicial business. A county recorder, competent to the business, might not only deliver the gaol every sessions, but by holding a court every fortnight would do away with the necessity of having Local Courts, and the result would be, that imprisonment before trial would seldom be more than seven days. When punishment was immediate upon the commission of crime, a most important advantage was obtained; for not only did offences become less frequent, but an enormous expense would be saved by not keeping prisoners two or three months in prison before trial. But there was one point in the observations of the hon. Member for Liverpool, to which he wished to draw the attention of the House. The hon. Member seemed to suppose that the chief and most important duties of the magistrates consisted in trying prisoners. He totally forgot how they were employed when they did not sit at quarter sessions. The most important of their duties was their residence in the various places in the county where they lived, and where they were enabled to act as friends of the poor, and heal disputes as arbitrators and referees. In cases of assault, differences between masters and servants, and cases of trespass, their interposition was most constant and most useful. They formed a link in the social chain which bound the poor and the middle class together, and if the hon. Member's Bill were carried, he feared greatly that it would dissolve a connexion which had been most beneficial to the country. He contended that the large amount of the county rates was not attributable to the mal-administration of the county funds by the magistrates, but to the burdens which had been thrown on them by the legislature itself. The Prisoners' Counsel Bill alone doubled the expenses of trials, and the Weights and Measures' Bill, and expense of country bridges, all fell upon the county rates, and he would venture to say, that the magistracy had done everything in their power to reduce the rates, and had, to a great extent, succeeded in effecting that object. Nothing could be more unwise than a measure, the effect of which would be to take away the resident magistracy. He wished that Ireland had, like this country, a large, a resident, and a respectable magistracy, and he would pledge his credit that it would be more quiet and peaceable than it was now. He could bear his testimony to the character of the magistrates of England. They had always, as far as his observation extended, been ready to give their attention to the petitions and recommendations of all classes, no matter how humble. As to clerical magistrates, he had long contended that they ought not to be in the Commission of the Peace, but in many counties it was extremely difficult to get a sufficient number of magistrates without clergymen, and till this obstacle was surmounted he should not be able to say that, in his opinion, no clergymen ought to be magistrates. With respect to this Bill, he wished to know if the hon. Member would be satisfied to introduce his Bill for one county, Middlesex alone, as an experiment, because the difference between the metropolitan counties and the rural districts was as great as between light and dark. If the hon. Member would be content with that, and succeeded in carrying his Bill, and it were found, after a year's trial, that it worked well, he would support him in bringing forward a Bill to apply to the whole of England.

Colonel *Wood* protested against the limitation of this Bill to the county of Middlesex. If it were to pass into law, it ought to be extended to the kingdom at large, otherwise it would look like a slur upon the magistracy of the county to which its application was to be confined. As far as the county of Middlesex was concerned, he could not but regret that the magistrates of that county had to complain of the non-attendance of one of their body who occupied an influential position in it on all those occasions, when the financial business of the county was under consideration. Yes, he was sorry to say that the hon. Member for Middlesex was, of all the magistrates of that county, the magistrate that attended least to the auditing of its financial accounts, and to the controlling of its expenditure. Without entering at all into the merits of the Bill, he would give notice that on the second reading of this Bill, he would oppose it, and take the sense of the House upon it.

Mr. *O'Connell* thought, that what had fallen from the hon. Baronet, the Member for Warwickshire, ought to induce the House to pass the Bill, as he had had great experience in the business of quarter sessions. He stated, that if the Bill passed, it would be necessary to have a county judge. Now in Ireland there was a precedent that was found to work well, and from the late divisions of counties by the Lord-lieutenant, the assistant barrister was obliged to spend almost his entire time in the discharge of his duties. He believed it would be of great advantage to the people of England to have a person qualified to act and educated for the administration of the laws. He did not know that the conduct of the magistracy of Middlesex was so pure as to be above all suspicion; for he had read in the newspapers some resolutions passed by the vestry of St. George, Hanover-square, in which they intimated that the magistracy of that county had misapplied some 11,000*l.* of the county money. The hon. Baronet seemed to think that if magistrates were selected by the people, the character of the office would not be exalted. Now he was of a different opinion, and he was sure the bad would be omitted and the good only returned. He went, however, on higher ground, and he would state that it was only a return to the old constitutional principle of taxation by representation and of election by the people. It appeared that magistrates, however pure, were not, like Cæsar's wife, above suspicion. The Bill before the House proposed a return to the common law practice prior to the time of the statute of Edward 3rd, which was enacted *pro hac vice* to vest in the Crown the appointment of magistrates. The gallant Member for Lincoln was afraid that this was of a democratic principle. If the word democratic were translated for his benefit, it would be seen that it only meant popular, and he did not think it so fearful a thing to give to the people of England a popular control over the expenditure of money raised from themselves. The appointment of the Lord Lieutenant was objectionable —he might be a Whig, and then he probably would appoint what the gallant Member for Lincoln might call improper magistrates. He might be a Tory, and the odds were that he was so, and then he would nominate persons in whom the people could not have confidence. It was well known that the commission was given away as a matter of favour; no one denied it, and it was a fearful thing that persons should be selected, not for their fitness or capability, but for their having found favour in the eyes of the Lord Lieutenant of the county.

Mr. *Shaw* admitted the system of assistant-barristers had worked well in Ireland, but doubted whether it would work equally well in England. He must, like the hon. Member for North Warwickshire, protest against any measure which would destroy the golden link between the middle classes and poor, by depriving the latter of their natural friends and protectors.

Mr. *Richards* asked, was not the Bill intended to give power to the democracy? He would ask the hon. Member for Middlesex to point out to him any petitions which had been presented from the counties of England, complaining of the conduct of the magistracy, or praying for the proposed alterations. He was not aware of any such having been presented. And looking at the state of the great commercial interest in that great city, where there was nothing but doubt, perplexity, and alarm, he could not attribute the hon. Member for Middlesex's allowing his mind to be perverted to so trivial an affair as this or to any other cause than to the spirit of party.

Mr. *Arthur Trevor* could not allow the introduction of the present Bill, without expressing his opposition to it. He considered it a measure, than which, he had never seen anything more essentially dangerous. There were already, as he thought, enough elections of one kind or the other without introducing any fresh; and from what he had seen of those elections, he had little cause to be pleased with them; he thought that they did not tend to the good harmony of society, or the good order of the community, but that they were productive of much ill will. He could not agree with the hon. Member for Lincoln, that he did not like to act on a bench of magistrates along with the clergy; when he (Mr. Trevor) had seen those rev. gentlemen on the bench, he had never seen any conduct from them but such as would do honour to their sacred character. In many parts of the country the gentry were very few, and in those parts if the clergy did not act as magistrates much inconvenience would be experienced. He objected also to the observations of the hon. Member for Kilkenny, as to the conduct of Lords-Lieutenant in the appointment of magistrates. He (Mr. Trevor) did not think that the Lords-Lieutenant acted from political motives. He thought no one would object to sit on the same bench, or act as a magistrate with a gentleman, because their political creeds happened to differ. The hon. Member for Middlesex had no right to throw out any insinuations, and he could not think of the reason why the hon. Member should bring forward this Bill, unless it was because it was the fashion of the present day not to leave one earthly thing alone. It was the opinion of hon. Gentlemen opposite that if anything had continued for a long period it was necessarily wrong, and that an entire change must take place without consulting public opinion, and whether any complaints were expressed or not. Had any petition been presented in favour of any such change as the present? The hon. Member for Liverpool would, perhaps, tell him whence they had come; he was not aware of any. He agreed that one great tendency of the present measure was towards democracy, and towards giving a preponderating power to that class of persons which has very little to lose—to the prejudice of those who have a great deal. The Opposition were continual told that this measure and that measure was only working out the principle of the Reform Bill; all he could say was, that if such were the case, the Reform Bill had been the parent of a most mischievous offspring. After the opinion expressed by his hon. Friends around him, that this Bill should be allowed to be laid on the table, it would be presumptuous in him now to offer any opposition; but if he had consulted his own feelings, he would have divided the House upon it, even if he had stood alone. He objected to it, however *ab initio usque ad finem*, and he should not omit any step which might lead to its rejection.

Lord *John Russell* thought it was rather hard of the hon. Member who had just sat down to complain of the hon. Member for Middlesex for introducing this Bill, and because the hon. Member for Middlesex would not leave things alone, since it was only the other day that the hon. Member for Durham had himself given notice for the introduction of two Bills—one for the punishment of offences against the person, and the other for an alteration in the sale of Beer Bill. If the hon. Member did not like continued alteration, why could he not leave these two subjects alone?—He was to be allowed to meddle with what he pleased, but the hon. Member for Middlesex, and every body else, were not to be allowed that privilege. — With respect to the principle of the present Bill it would be difficult to make any objection. Where a large sum of money was raised by rate and expended, a sum the amount of which had been much increased within the last few years, he thought that the principle of placing the levying and expenditure of the rate in some measure under the control of the rate-payers was not objectionable.—It had been said that there were no petitions in favour of such a change; but if he recollected there had been petitioners from Staffordshire, Somersetshire, and Hertfordshire; and with respect to the county of Devon, in particular, he knew that much ill-will and considerable discontent existed among the farmers and yeomanry, because their money was disposed of without any control on their part. There was, therefore, a *prima facie* case for the introduction of this Bill by the hon. Member for Middlesex. He did not know whether he had understood correctly the observations which the hon. Member for North Warwickshire had made in stating that this was not a Bill which he was prepared to second. He was, however, inclined to use as an argument in favour of this Bill the very observations which the hon. Baronet had used as an argument against it. The hon. Baronet had stated that the magistrates were in the habit of attending in great numbers to discuss the expenditure of the county rates, to examine what monies had been levied and received, to see how the county treasurer discharged his duty, and, when occasion required, to appoint his successor; but that when it was necessary to obtain their presence upon the civil business of the county their attendance was thin, and when it was necessary to obtain it on criminal business it was still thinner. Now he did not consider such a state of things very creditable to the magistracy. That the chairman of the quarter sessions should be left with only two magistrates, and those, perhaps, not the most distinguished for talent, to transact the criminal business of the county, was a spectacle that one would not wish to see, and there could be no good reason for continuing such a system. The hon. Baronet, the Member for North Warwickshire, likewise observed, that if this plan proposed by the hon. Member for Middlesex were adopted, it might lead to the appointment of a recorder or judge for each county. He would not give a decided opinion on the propriety of such an appointment, but this he would say, that there was great difficulty at present in obtaining the assistance of gentlemen competent for the task of acting as chairmen at quarter sessions. No one knew better than the hon. Member for North Warwickshire that it required considerable talent, great knowledge of law, and no small sacrifice of time, to perform that task in an adequate manner. With the great increase of civil and criminal business which had arisen of late years, and with the still greater increase which might be expected from the Prisoners' Counsel Bill passed last session, that task would become every year more arduous and laborious, and he therefore anticipated that from year to year it would become more difficult to find a competent chairman for the quarter sessions. If his anticipation should be correct, and if it should in consequence become necessary to appoint recorders of counties, that would form no reason for not separating the financial from the criminal business of the county. He would not venture at present any opinion upon the details of this measure. He hoped, however, that the hon. Member for Middlesex would bring them forward in such a shape as would enable the Bill to pass the Legislature, and that he would take care not to create any expensive offices in the machinery he might devise for carrying it into effect. He did not mean to assert that there were not objections to the mode in which the business was now conducted—he admitted that there were objections, and he hoped that the hon. Member for Middlesex would find means to obviate them. He thought that the county council ought to be kept together as short a time as possible, and that there should be as few permanent paid officers as possible. With regard to the clause for the appointment of magistrates, he must say, that in his opinion, it did not stand at present in a very satisfactory state. He was free to admit, that there was at present a want of system and of regularity in the mode of appointing the county magistracy. The appointments depended too much on the opinions, and he might even say, the prejudices, of individuals. There was no general rule by which the Lord-Lieutenants were guided in the selections they made of individuals for the bench. Each acted upon his own discretion. For instance, the Duke of Wellington did not think it right to recommend any clergyman for the magistracy, when any other gentleman could be appointed in the district. Other Lord-Lieutenants adopted a different rule, and recommended a greater number of clergymen than of any other class to the bench. Though he did not think much of the patronage exercised by the Lord-Lieutenants, he must say, that a practice had grown up amongst them, on which it was incumbent to place a check. It was the practice of most of the Lord-Lieutenants, when a gentleman was recommended to them as a fit person to be inserted in the commission of the peace, to refer his name to the magistrates of the district, and to determine, upon their answer, whether he would insert his name or not. This gave the magistrates the power of electing as their colleagues on the bench men of their own party, and of rejecting those, who though objectionable to them on private grounds might not be objectionable on any public grounds. He thought that there should be greater uniformity than that which now existed in the rules for determining the eligibility of individuals to the magistracy, but he was not prepared to go the length of saying that the Crown ought not to have the power of appointing as magistrates other individuals besides whose who were recommended to it by the county council.

Sir *Eardly Wilmot* had only meant to say that the chairman of quarter sessions executed almost all the duties of the magistrates, whilst the others sat merely to make a court. They were merely wanted to make up a court and it could not be expected that many Gentlemen could be induced to attend, when they had nothing to do but to sit with their hands before them.

Mr. *Palmer* had been Chairman of the Sessions in Berkshire for several years, and had experienced no difficulty from the non-attendance of magistrates to assist in the criminal business, but this he attributed to the fact, that the criminal business was transacted before the civil. He believed that the hon. Member for Middlesex had brought in the Bill in order to save expence to the counties, and he (Mr. P.) was not disposed to offer any objection to the general principle, that those who pay the rates should have some voice in the expenditure, though he thought there was a considerable difference between the county-rate and the public taxes, because the county magistrates had no power to make a rate and levy money except so far as they were authorized by the Legislature, and they had little discretion given to them except as to the salaries which they should give to their officers. The hon. Member for Middlesex had complained that he had not received any answer from any county magistrate to whom his circular had been addressed, but he would take the liberty of informing the hon. Member, that in the County of Berks, this did not proceed from any disrespect. The letter was taken into consideration by the Magistrates, they expressed their thanks to the hon. Member for his courtesy, but they thought it no part of their duty to give an explicit answer, they had, however, instructed the Clerk of the Peace to write to the hon. Member, thanking him for his attention; and, as far as he (Mr. Palmer) could collect, the general impression was, that although it was desirable to give a control to the people, yet that a greater expense than at present would be created by this Bill, without presenting any countervailing benefits from its theoretical advantages.

Mr. *Pryme* would recommend to the hon. Baronet and the other Members opposite to follow the example of the Magistrates of Cambridge, who highly approved of the principle of the Bill. It was most essential, in his opinion, that the financial and civil business should be separated, as at present the system was productive of much inconvenience.

Mr. *Potter* complained of the lavish manner in which the public money was expended by the Magistrates, though the hon. Member for Berkshire had said they had no discretion.

Mr. *Palmer* explained. What he meant to say was, that very little of the county expenditure was now under the actual control of the Magistrates, except the salaries of their own officers.

Mr. *Potter* had at that moment in his eye the Castle of York, to which the walls of Babylon were nothing. That had been built at an enormous expense, and was a monument of folly to the country. There was also the gaol of Leicester, which was unfortunately too large for the wants of the people of that county—and in Lancashire the Magistrates had persisted in laying out large sums upon the gaol, although they were well aware that for some years it was the general opinion that the assizes for the southern division of the county should be held at Liverpool or Manchester. That gaol was now much too large, and he was glad that some check was likely to be pu to this lavish and injudicious expenditure

Mr. *Montague Chapman* did not think it right to enter into the details of the measure at that early stage, but he thought it right to direct the attention of the House to the principle of the Bill, and one more obnoxious in principle, or more objectionable in detail, he had never read. He could not suppose the House would pass a Bill so degrading to the Magistracy, and so derogatory to the privileges of the Crown itself. Were not the Magistrates selected from those who had the largest property in the county?—and would it be now said, that they should take from them the management of their own property? He meant the property of the county, in the disbursement of which they had so large a stake. Would not any man who came to take a farm inquire what the amount of poor-rates and county-rates, &c., was, before he fixed upon the value of the farm, and was not the landlord therefore the person most deeply interested in the amount and application of those rates? The Bill not only prevented that, but it prevented the Magistrates interfering with the police force of the county, although no class of men were so fit to arrange that portion of the local business of the country. He had taken some pains to ascertain where those rate-payers who would have a vote were to be found, and he had ascertained that in the agricultural districts the sum total of the rates paid did not exceed one-twentieth of the whole. In short, the 3*l.* tenants, men who had no interest whatever in the land, would have a voice in the election of that council which was to nominate the Magistrates; and be it observed, that there was no security as to qualification of the persons they were to elect. He thought it would be necessary for the hon. Member for Middlesex to do what he had recommended to his hon. Friend the Member for Bath—to pat Ministers a little oftener on the back, before he could expect to carry that most objectionable measure, which he was confident would be rejected by the House.

Captain *Pechell* thought it must be satisfactory to the hon. Member for Middlesex, to know that no objection had been taken to the principle of the Bill. He believed it would always be found that where hospitality was extended to the Magistrates by the gentry of the neighbourhood, there was always a full attendance at Sessions. In the county of Sussex, with which he had the honour to be connected, he was happy to say that the Lord Lieutenant had broken through the rule of appointing Magistrates solely on the recommendation of the Bench, a thing which he thought highly objectionable. One inconvenience of the present mode of conducting the business at Quarter Sessions, was, that the Magistrates were often obliged to retire into another room, to look over the county rates, instead of being able to attend to the trial of prisoners committed by themselves. Another objection was, that all information as to the purpose to which the rate was levied, was in many instances withheld from the rate-payers. The Bill was on these grounds most likely to give great satisfaction to the country, and would receive his (Capt. Pechell's) strenuous support.

Mr. *Wakley* expressed the warmest approbation of both the principle and details of the Bill, as the present system of levying county-rates had been productive of great injustice and inconvenience. It had been asked what petitions had been presented in favour of the Bill. Many would have been presented if the mode of presenting them in that House were more satisfactory. Thousands would have been presented if it were not known that petitions which had cost weeks of preparation were presented without discussion or observation, and with the formality of merely walking from that place to the table. With respect to the election of a county board by the rate-payers, there was nothing objectionable; they had an election every seven years for Members of Parliament, and yet here was a case in which the interests of every working man in England were concerned, in which the application and levy of the surplus of his labour were concerned, and what did they see on the other side of the House which had exhibited so laudable an anxiety to establish Conservative Operative Associations? Why, that not twenty Members could be brought together upon a question so vitally important to the working classes, so deeply affecting the security of their property, the welfare of their persons, and the happiness of their children. Here was an illustration of the democratic principle, the object of which was to give life and energy to the country, to protect the interests of all classes; and great as were the obstacles which it had to encounter, it was sure to succeed. In the struggle it was now making against tyranny and despotism, it would eventually prostrate every foe and secure to the people the greatest share of happiness and enjoyment they could acquire. No honest magistrate could object to the Bill—it would confer a greater power upon the good magistrates and remove it from those who had hitherto only abused it. A better Bill, in his opinion, had never been introduced. It had been proposed to confine its operation to Middlesex, and he (Mr. Wakley) for one Middlesex rate-payer, was most anxious it should be applied to that county. If the other parts of England were aware of the advantages it would confer, it would soon be very generally established. What, he would ask, was there objectionable in it? The hon. Member for Essex had said that those who would have the right of voting paid only one-twentieth part of the rates. He would be glad to know where or how he had made such a calculation. In some counties in England the county and poor-rates were combined, yet in others they were very properly separated. Hon. Members said no, but he would satisfy them that such was the case in the county of Middlesex and elsewhere, and he hoped it would soon be very generally established throughout the country.

Mr. *George F. Young* would merely offer one observation to the House. The principle of the Bill was, in his opinion, short and comprehensive—it was, that those on whom the burthen fell should have some voice in the nomination of those by whom it was to be imposed. To that he expressed his unqualified assent, and he regretted that the hon. Member for Essex should have so inappropriately directed his arguments to that point. If any objection was hereafter made to the details of the measure they would see how they could be amended in Committee. As a magistrate of the county of Middlesex, he was glad to see the principle put forward, and he hoped it would receive the sanction of the House.

Mr. *Goring* would ask the hon Member for Middlesex, whether any demand had been made by the middle or higher classes for a stricter inquiry into the expenditure of the county-rates? No such thing, and until that was done, he saw no necessity for the present measure.

Mr. *Wyse* said, the principle on which this Bill was founded was that on which the House of Commons was constituted, and on which the Municipal Corporation Bill passed the year before last was framed, and the arguments of hon. Gentlemen opposite (if good for anything) against the principle of the Bill, would equally tend to destroy both the one and the other. The hon. Gentleman opposite had not proved that magistrates had sufficiently attended to the discharge of their public duties. He contended for this great principle that a free people ought to have control over the money which they themselves raised. The Bill was called popular and democratical. It ought to be as much so as the Municipal Corporation Bill, or the Reform of Parliament Bill. The frequency of elections which had been complained of would, he considered, along with elections for vestries, or municipal councils, tend to educate and prepare the people for the exercise of the more important franchise—the Parliamentary. What right had that House to set up two kinds of constitutions, one for the towns and the other for the counties? He saw no reason why the people of England should be deprived of the benefit of those institutions, which were established in almost every civilised country in the world.

Sir *Love Parry* said, that, as chairman of quarter sessions for his county, he had entered into the details of this Bill to a full attendance of his brother magistrates, and they agreed it contained many excellent provisions, though some of the details might be improved. He agreed with the hon. Baronet, the Member for Warwick, and the hon. and learned Member for Kilkenny, as to the propriety of establishing a county recorder, or judge. Not having been regularly educated for the law, he did not feel himself competent to discharge the duties of the situation he was called on to occupy.

Mr. *Hume* replied. Three separate Committees had sat and reported upon the subject with which this Bill purposed to deal, and a commission had issued which had presented a very comprehensive report. He had presented on one occasion eight petitions from eight different counties in favour of the Bill. Hon. Members opposite had termed the Bill mischievous. Now, if by that they meant that it was popular, and tended to increase popular control, it was perfectly consistent in those Members who had steadily resisted all advancement of the popular cause to make that objection. But just on that ground that it was popular, and did extend popular control, did he (Mr. Hume) support the Bill. The Bill was also called an innovation. Now, let hon. Members recollect that he was not the innovator; that he was merely proposing a return to the ancient system. Lord Denman had lately decided, after elaborate argument, that the rate-payers had no right to apply to see the vouchers of county expenditure; that it was sufficient for the magistrates to see them, and the magistrates were irresponsible to the rate-payers. The details of the Bill might be doubtless improved, but he would not give up the principle of popular control, and he trusted that the House of Commons would not reject it. He had been accused of not attending the meetings of the Middlesex bench of magistrates, but the reason was, that he could not, by reason of other and more important duties, find time to discharge properly the functions of a county magistrate.

Leave given. Bill brought in and read a first time.

EXPENSES AT ELECTIONS.] Mr. *Hume* rose to ask for leave to bring in a Bill similar to the Bill of last Session, and which arose out of a recommendation of the Committee which sat last year to consider the manner in which Members of that House were put to very considerable and irregular expenses on their elections. That Committee had laid on the table many lengthened and precise details of the evils of the present system, and the Report recommended the Bill which he now moved for leave to bring in, the object of it being to define what were legal charges, and what not. The Bill, however, as compared with that of last Session, was very much improved. Many clauses had been left out, and the Bill was now limited expressly to the expenses of elections. As the Bill was not yet before the House, he considered it unnecessary to say more. He hoped he would be allowed to introduce it, as by that means hon. Members might have the Bill, and make themselves masters of its contents, and see whether or not it deserved support.

Colonel *Sibthorp* said, that whatever might be the democratic tendency of the last Bill introduced by the hon. Gentleman, the Member for Middlesex, this Bill was certainly not democratic. He had himself always exercised feelings of hospitality and charity towards those with whom he had the honour to be connected, and whether this Bill passed the House or not, it should not prevent him from continuing to do so. This Bill would not be very popular—he was sure it would not be very satisfactory to the hon. Member's constituents. He thought there was a degree of niggardliness about the Bill that was inconsistent with the British character. He loved to be amongst his constituents, and they loved to be with him. If the hon. Member for Middlesex would do him the honour to accept an invitation to his place, he was sure that that hon. Member's opinion as to the necessity of this Bill would be altogether changed.

Leave given. Bill brought in and read a first time.

Grand Juries (Ireland).] On the motion of Viscount Morpeth, the House went into Committee on the Grand Juries' Bill.

On Clause 5, repealing proviso of Act of last year, which prohibited any presentment for grants to dispensaries in case it should appear the salary of the medical attendant amounted to one-half the amount of the subscription and presentment.

Lord *Clements* was opposed to the repeal of this proviso. He did not consider dispensaries as beneficial to the poor. He knew of a case in which a surgeon to an hospital received from 100*l.* to 200*l.* a-year for the trifling service of visiting an hospital twice a week. He thought the subject ought more properly to be introduced into the Poor-law Bill. The expense to the county was not what he objected to, but the opinion he entertained of the inutility of these establishments.

Mr. *O'Connell* hoped the clause would be maintained. The proviso would be found to act inconveniently, especially in those districts of Ireland such as his own, in which the medical attendant could derive little additional remuneration from private practice.

Mr. *Wakley* also hoped that the clause would be retained. He had received many communications, showing the great inconvenience which had resulted from the proviso. The cupidity of some persons might lead them to undertake the medical superintendence of an extensive district, which it was physically impossible that they could properly attend to; but the Legislature ought not to hold an encouragement to such a system.

Mr. *Shaw* could confirm the statement of the hon. and learned Gentleman, that a general complaint was made in Ireland at the prospect of the effect of the clause of the Act of last year, which limited the salary of the medical attendant to a moiety of the private subscriptions, and he could add a case within his own knowledge in the county of Dublin, where, in a neighbourhood in which he was much interested, a dispensary had been recently established, and which could not continue to exist, if the medical attendant was not allowed a larger remuneration than the half of the private subscriptions; he quite approved of the repeal of that clause.

Mr. *French* assured the hon. Member for Finsbury, his Irish correspondents had been amusing themselves with his credulity, as to the injurious effects of the clause in the late Bill, to which he had alluded, such as depriving the poor of Ireland of medical assistance. That clause had not as yet come into operation; its provisions had never been acted upon; no assizes had been held since the passing of the Act in which it was embodied, and, in fact, matters were at that moment in precisely the same state as they were previous to its introduction. The hon. Member perfectly misunderstood both his noble Friend, the Member for Leitrim, and himself, if he imagined they were not anxious medical assistance should be afforded to the poorer classes of their fellow-countrymen. For his own part, he was desirous that professional skill and medical assistance should universally, throughout Ireland, be provided for the peasantry, and that fair and ample remuneration should be secured to the gentleman devoting his time and abilities to their services. The hon. Member for Kilkenny had alluded to the dispensary in his immediate neighbourhood, and stated that thousands of persons would be deprived of professional assistance if this clause was rejected, as the medical attendant could not continue if his salary was reduced. The dispensary was all he had to depend on. From the poorness of the district, notwithstanding its great extent, 5*l.* could not in the year be calculated on [from any other quarter. Now, although he (Mr. French) was not aware of the circumstances of that particular dispensary, from his general knowledge on the subject, he would venture to assert the salary of the medical attendant did not exceed 70*l.* or 80*l.* a-year. [Mr. *O'Connell* stated across the House—75*l.*] Was 75*l.*, he would ask, a sum sufficient to remunerate a gentleman of skill and education; or could it be expected for anything so paltry, persons competent to discharge the duties could be found? The present system could not be rendered effective, nor under a salary of 300*l.* a-year could qualified persons be found in all medical appointments, whether to hospitals, infirmaries, or dispensaries; all favouritism and jobbery should be guarded against; an examination should take place before the Board of the College of Surgeons in Dublin, and the best qualified should be the person appointed to each vacancy. As he was on his legs, he would wish to call the attention of the noble Lord, the Secretary for Ireland, to the Netterville Dispensary, in order to induce him to adopt some measure to render that institution useful to a very poor and impoverished district in the city of Dublin. Two of the trustees appointed under Lord Netterville's will had, he understood, declined taking any share of the duties on themselves, and the third only troubled himself to the extent of nominating the officers and discharging the accounts. The institution ought not to be considered a private one; the parishioners were called on to contribute to its support; a committee of management ought to be appointed, and the advantage of a parochial dispensary afforded to the poor.

Viscount *Morpeth* said, that he should certainly retain the clause. There had arisen under the old system an abuse which the Act of last year had been intended to remove; but it had been found that the proviso inserted for that purpose was not the proper means of remedying that abuse, and that it had the effect of rendering the remuneration of a medical attendant most scanty in districts which did not happen to be opulent. He regretted, that the dispensary was beyond the power of Government, as it was in the Court of Chancery.

Clause agreed to.

The other clauses were agreed to.

The House resumed.

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HOUSE OF LORDS,

Monday, February 13, 1837.

MINUTES.] Petitions presented. By Lord WYNFORD, from Bourne and Kingston, for the Repeal of Poor Laws Amendment Act.—By the Earl of WINCHILSEA, from Warkton Weekley and Barton Seagrave, that the House of Lords will resist all attempts to interfere with its Rights and Privileges.—By Lord BROUGHAM, from various places, for the Abolition of Church Rates.

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HOUSE OF COMMONS,

Monday, February 13, 1837.

MINUTES.] Petitions presented. By Mr. LISTER, from Bowling, for the Repeal of Bastardy Clauses of the Poor Law Act.—By Messrs. CHARLES BULLER, WILLIAM ORD, and Lord DALMENY, from Liskeard, Stirling, and Newcastle-upon-Tyne, for Repeal of Duty on Soap.—By Mr. BARRY and Mr. WHITE, from Longford and other places, for the Abolition of Tithes (Ireland).—By Mr. WHITE, from Longford and other places, for Municipal Corporations (Ireland) Bill.—By Mr. SANDFORD and Mr. FOX MAULE, from Perth and Ilminster, for Repeal or Reduction of the Duty on Soap.—By Mr. FOX MAULE, from Perth, complaining of the Creation of Fictitious Votes (Scotland).

DR. MULHOLLAND.] Mr. *Maclean* said, that pursuant to the notice he had given, he now rose to call the attention of the House to a Petition which he was about to present. It was the petition of a Roman Catholic clergyman, the Rev. Dr. Mulholland, who complained of a series of injuries which he had sustained at the hands of the Roman Catholic hierarchy of Ireland, and prayed that means might be found for the protection of the second order of clergy in that country from the grievous and unjustifiable interference with their temporal concerns, to which they had long been subjected. As this petition was well worthy of the consideration of the House, he felt that he should best discharge his duty to the petitioner, if he read as shortly as possible the petitioner's statement in explanation of his case. The petitioner humbly prayed, that that honourable House would be pleased to cause inquiry to be made into the situation of the second order of Roman Catholic clergy in Ireland. The petitioner was anxious that an opportunity should be given him of proving the nature of the evils and inconveniences under which those clergy laboured, and which he stated to be of such extent that it was apprehended by many of his reverend brethren, and by himself, that a continuance of the present system must be attended with the extinction of religious feeling in Ireland. Such was the prayer of Dr. Mulholland's petition; and he did think, that praying as that petition did, not for the House to interfere between a clergyman and his diocesan (for in that case he would admit, the petition could not have been received), but for inquiry into the condition of the second order of Roman Catholic clergy in Ireland, with a view to their better protection and support against the oppression of their superiors, he did think a petition of this nature was well worthy the attention of the House, and he hoped, therefore, he should be allowed to enter more at length into the statements of—

The *Speaker* said, that if the hon. Member meant to found a motion upon the contents of the petition, it was then competent for him to open it to the House; but that to argue on a petition when there was no intention of pursuing the matter further was contrary to the practice of that House.

Mr. *Maclean* had not intended to move for any inquiry, to which he did not at all feel himself pledged.

The *Speaker* said, the rule of the House was, that when an hon. Member intended to found any further proceedings upon a petition, then he ought to give notice of the course he meant to pursue, in order that the House might be in a condition to decide whether they would allow the matter to go farther or not.

Mr. *Maclean* begged to state, with great submission, that this petition had been brought forward both in the House of Lords and in that House, on a former occasion, when its merits had been discussed at considerable length. He must say, therefore, he thought it hard that he should be denied the liberty of making a remark on the subject.

The *Speaker:* Of course, it is not for me, but for the House, to determine this point.

Mr. *Maclean* proceeded: It was necessary, in order to put the House fully in possession of this case, that he should detail the particulars of the petitioner's complaint. The petitioner stated, that, in 1826, he had been appointed to a parish in the county of Louth, the duties of which he continued to discharge until the year 1833, when he was deprived by a mandate of his diocesan, the right rev. Dr. Crolly, the ground for that proceeding being, that he had brought an action against a brother-clergyman, who had slandered him in public; that he had, however, previously to bringing this action, appealed, as was his duty, to the proper ecclesiastical tribunal; that he had received a promise from the Archbishop's Vicar-General, that measures should be taken to enforce a withdrawal of the charge affecting his character; but that having waited six months without obtaining any withdrawal of the charge, he had at length instituted law proceedings, and recovered damages against his calumniator; but that, pending those proceedings, he had been suspended from the performance of his clerical functions, and thereby reduced to a state of utter destitution; that he had appealed to the see of Rome; that two mandates for his restitution from thence had been set aside by Dr. Crolly; that he had further received an appointment from Rome which had not been confirmed; and that he was in consequence deprived of all means of supporting himself in Ireland. Under these peculiar circumstances, the petitioner approached the House, in humble expectation that some remedy might be applied to the singular grievances under which he suffered.

Mr. *Rigby Wason* rose to order. He thought the general understanding was, that hon. Gentlemen were not to enter into these long statements on the presentation of petitions. He would appeal to the Speaker as to whether it would not be proper, if one hon. Gentleman were allowed to follow this course, that others should have the same privilege extended to them?

Mr. *Maclean* begged to remind the hon. Member that this was a case of a very peculiar nature. He hoped the House would not consent to a course which would in effect shut out the public from the exercise of the right of petitioning.

Mr. *Rigby Wason* said, that the usage was, that any hon. Member who wished to bring the subject matter of a petition under the consideration of the House should place a notice to that effect on the books, without which he could not enter into the details of a petition.

The *Speaker* said, that for many years during which he had had the honour of a seat in that House, it used to be the practice that hon. Members, on presenting petitions, should merely state the prayers of those petitions. That practice, however, had been latterly departed from, and morning sittings had been resorted to, with a view of relieving the pressure of petitions. A Committee had then been appointed on the subject, which had reported, but its reports had never been acted upon; and it had been thought proper to discontinue the morning sittings. Under these circumstances, he had felt that it only remained for him to retrace the steps of the House, and endeavour to bring it back to what had been the ancient practice; that was, that hon. Members should content themselves with stating the prayer of the petitions which they had to present. If any hon. Member wished to open the subject matter of a petition more fully, that course was open to him, to which he (the Speaker) had already referred. This matter had been left too much, perhaps he might be permitted to say, in his discretion; and the rule had, perhaps, on some occasions, been somewhat too much relaxed. But if every petition were to give rise to a discussion or a debate, in which statements on one side would be met by counter-statements on the other, then he felt it his duty to represent to the House the necessity of considering whether, under the present pressure of business, the House, in that case, would be able properly to dispatch its public duties.

Mr. *Maclean* had had no intention in the course he had pursued, of deviating from the deference with which he always received what fell from the chair. After stating the prayer, he was proceeding to state the substance of the petition, without meaning to argue the subject at all. He was simply stating the facts of the petition, not reading it.

The *Speaker* again interposed, to intimate that the hon. Member could not read the petition.

Mr. *Rigby Wason* said, the House had heard many of the allegations of the petition, and it was not disposed, he thought, to enter further into the subject.

Mr. *Maclean* rejoined: He did not know whether the hon. Member spoke for the whole House, or for himself. How came the hon. Member to be a *censor literarum* to determine whether petitions should be gone into or not?

Mr. *Gillon* remembered to have presented a petition last Session, from an individual who was actually incarcerated at the time, and yet even in so urgent a case, affecting the liberty of the subject, he had been prevented from opening the petition to the House. He hoped the House would follow that precedent on the present occasion.

Mr. *Maclean* must be permitted to recapitulate the facts stated by the petitioner. That gentleman had ample proofs that his moral character was unimpeached; and he complained of having been deprived of the means of subsistence, because he appealed to the laws of his country. He had applied to the hon. and learned Gentleman opposite (Mr. O'Connell), but he found that this application to Parliament was considered by the hon. and learned Member a disgraceful aggravation of his original offence.

Mr. *Bellew* trusted that, in common justice to the character of a most respectable prelate, the Roman Catholic Bishop of his diocese, that the petition now brought forward was precisely the same in character to that which was brought forward, but rejected by the House, last Session. As to the statement of the petitioner, that he had received damages from a jury, he had received damages to the amount of one farthing—that was the amount at which his character was estimated.

Petition laid on the table.

PRIVILEGES OF THE HOUSE.] Lord *John Russell* rose for the purpose of calling the attention of the House to a matter bearing upon its privileges, though not with the intention of making any motion on the subject at present. His object was to draw the attention of the House to the important nature of the question, so that no long period might be suffered to elapse without some steps being taken to provide against the recurrence of a similar state of things. He referred to the proceedings which had recently taken place in the Court of King's Bench, in the case of Mr. Hansard, the printer to that House. Agreeably to certain doctrines laid down by the Lord Chief Justice, on that trial, the plea of the defendant, setting forth the privileges of that House, had been set aside by the jury, and the plea on which the defendant had succeeded went only to the merits of the case. Now the decision of this case did appear to him to be of essential importance with reference to the privileges of that House. He could not see much difference in point of principle between the new method of selling the votes and papers of the House, and the former plan of distributing the votes to hon. Members, since the votes were certainly sent by hon. Members to every part of the kingdom; at all events they were printed. He conceived, therefore, that the decision of the Chief Justice if carried to its full extent, would have the effect of placing them in this very peculiar situation, that supposing any hon. Member should think proper to lay on the table articles of impeachment against some officer of the Crown, whom he might deem worthy of impeachment, then these papers might furnish matter for an action for libel to the parties against whom they were presented, and the jury, guided by the former decision, that the privileges of the House of Commons could not be pleaded in justification, might decide upon the merits of the case as to the guilt or innocence of the hon. Member with respect to the libel. He had only put this as an extreme case, but there was no saying to what extent this doctrine, if fully carried out, might reach; for papers were continually laid upon the table of that House containing statements which materially affected the characters of individuals. He was in doubt whether it would be more proper that this question be referred to the Committee of Privileges, or that a Committee of a limited number of Members should be appointed to investigate the facts relating to it; at present, however, he merely made these remarks by way of bringing the subject under the consideration of the House, for it was desirable that their decision, whatever it were, should be as nearly unanimous as possible.

The *Speaker* hoped he might be allowed to state shortly, not the opinions which he held on this very important question, but the peculiar nature of the situation in which he was placed, with a view of eliciting some directions from the House by which he might shape his future course with respect to this matter. He had felt it his duty to pay as much attention as was in his power to the progress of the trial in question, and from the short-hand writers' notes of its more important parts, which he had procured, it appeared to him that the doctrine there laid down extended to an interference with the privileges of the House, and in consequence he was placed in a difficulty which he would state to the House. He had been applied to that morning to decide what number of copies of the Report of the Church Commission for Scotland it would be proper to have printed. Now if he directed that the number of copies printed should be precisely the number of Members of that House, still it was obvious that many copies would find their way into general circulation; but the number could not be limited by the numbers of that House, for it was indispensable that copies be supplied to certain public offices, and in other quarters. Indeed, it had been usual, in most cases to print as many as from 2,000 to 2,500 copies. Now, if an order or resolution of the House were passed directing him to have a certain number of copies of their papers printed, that would not only not tend to relieve the difficulty he felt, but, on the contrary, would very materially increase it; because he found, from the charge of the Lord Chief Justice, that by the construction which that learned judge was disposed to put upon the privileges of that House, the copies printed must be limited exclusively to the use of the Members of that House. If to exceed the number required for the House were to be adjudged to be a publication of papers printed by order of the House, then it became a question whether, in signing an order which should have such an effect, he should be subject to an action for libel. This, then, being, as it appeared the state of the law, that he was called upon to hold himself responsible, not to that House alone, but to the courts of Westminster-hall, for what he did in pursuance of his duty, he must say he did feel extremely anxious to receive some instructions from the House, by which he might learn what was the proper course for him to pursue.

Mr. *Williams Wynn* said, it was impossible not to agree with the noble Lord that this was a most important question. It struck at the root of every privilege belonging to the House of Commons; it came to this point, whether was the House amenable or not amenable to the Court of King's Bench—whether the Acts of that House lay within the cognizance of any other tribunal than that House. He was extremely astonished that the question had been mooted at all—the practice of printing for circulation papers relating to that House not being, as the noble Lord seemed to suppose, a new practice, but, on the contrary, for a hundred and fifty years these publications had been continually made under the orders of the House. The orders of that House had been ordered to be printed, not for the use of Members merely, but of the public; and not only these papers but also information which had been given at the bar of the House, had been directed to be printed. He might instance the case of Dangerfield, where the information was ordered to be printed, and the profits to be applied to the use of the informer. No notice was taken of this at the time, but about five or six years afterwards, when Charles 2nd determined to govern without Parliament, an information was filed against the Speaker for certain expressions contained in that publication, and alleged to constitute a libel on the Duke of York. The Speaker had pleaded that he acted under the orders of the House; the plea, however, was overruled, and judgment passed against him; but at the Revolution that decision had been expressly stated as forming one of the grievances of the House of Commons. The judgment itself had shortly afterwards been voted by the House to be illegal, and a violation of the privileges of the House; and the Lords, at a conference had subsequently agreed to that vote. A similar vote had been passed by the House with reference to a similar judgment in the case of Topham, who had pleaded the order of the House. He agreed entirely with the observation of the noble Lord, and with what had fallen from the right hon. Gentleman in the chair, that if the sale by order of the House might be questioned the printing by the order of the House might equally be questioned. It did appear to him, therefore, that means should be adopted for prosecuting an inquiry into this matter.

Mr. *O'Connell* thought that this conversation should not be continued. He had not the slightest doubt of the course which the House ought to pursue, and he had not the slightest doubt that the Chief Justice was wrong in the opinion which he had pronounced, if indeed he had pronounced it. It was impossible for the publication of matter before that House to be libellous. They represented the people of all England, they were for practical purposes the people of all England, and any information given to them was in fact given to the people of England, and for the people of England, and the people of England had an indisputable right to receive it, and that House was under the imperative obligation of seeing that they did receive it. The right hon. Gentleman in the chair had mentioned that there was a report on the church of Scotland in print, and about to be issued. This report the Members for Scotland would communicate to their constituencies—nay more, they must communicate it to their constituencies. Now they could do this in two ways only—by writing or verbally; and if the privilege of that House could not protect a writer of evidence taken before it from an action for libel neither could it protect a speaker of the truth, diffusing knowledge of testimony given before Committees, from an action for slander. If the House could not shield its Members and its officers from the penalties which the noble judge had declared would attend the circulation of Parliamentary documents or Parliamentary information, then that House could not perform its functions and it became necessary that it should be invested forth with with the power which was wanting to it. He was sorry that the learned Lord had so mistaken the law, and had so mistaken the constitution, of which he should have been the tenderest guardian. If the servant of the House had suffered loss, he ought at once to be compensated. According to the odious principle that truth was a libel if an indictment had been preferred against Mr. Hansard, that servant of the House must have been convicted, and would necessarily be about to receive the sentence of the King's Bench for having done his duty by that House; for, be it recollected, no plea of justification was admitted, where an indictment was the form of remedy selected by the person aggrieved; and thus Mr. Hansard would have had no defence. He hoped that steps would immediately be taken to set matters right, and that the principle would be boldly asserted that any matter brought before the House might be communicated with perfect safety.

Mr. *Harvey* did not understand the noble and learned Lord, the Lord Chief Justice, to have stated that that House had not the privilege of publishing its proceedings in as many shapes or as many copies as it thought proper: but the question was whether that House, being an integral part of the Constitution, through which laws were made, had the power to reserve to itself the right of violating the laws it was a party to make? The very circumstance of this judicial opinion might lead to the consideration of the question of what was libel. Happy and valuable would be the determination upon such a question, for at present nothing could be more unsettled, nothing was less determined, nothing bearing less the stamp and impress of sound sense than that which constituted the law of libel. He was satisfied that the law of libel should be made definite and intelligible, and founded on some principle of common sense. The question then would be, whether the House should reserve to itself the right of violating that law which it should be the first to uphold and obey? If it were to do so, the character of every man in the country would be at the mercy of the House. It had been observed, by an hon. Gentleman, that in case of injury let there be compensation, but who was to determine the amount of it? Was there to be an inquisitorial tribunal appointed by the House for that purpose? This was a most important subject, and he could not bring himself to believe that those who were law makers should be allowed to be the first to set the law at defiance.

Mr. *O'Connell* observed, in explanation, that the hon. Member for Southwark was quite mistaken on the subject. The question was, whether such a law as had been referred to by him was in existence. There was no statute regarding this part of the law of libel, it was the common law of the land.

The *Speaker* suggested that it would be more convenient, if the House did not at present proceed further with the discussion.

Mr. *Charles Buller* wished the noble Lord, the Secretary for the Home Department, to state what course he intended to pursue with regard to this subject.

Lord *John Russell* replied, that he would give notice to-morrow evening on the subject, and state what he intended to propose.

STAFFORD—NEW WRIT.] Captain *Chetwynd* moved, that Mr. Speaker do issue his warrant to the Clerk of the Crown to make out a new writ for the electing of a burgess to serve in this present Parliament for the borough of Stafford, in the room of Sir Francis Holyoake Goodricke, now one of the Members for the southern division of that county.

Mr. *Divett* said, that before he moved the amendment of which he had given notice, namely, that the issuing of the new writ for Stafford, should be suspended until ten days after the meeting of Parliament, he should trouble the House with a short history of the transactions with reference to the borough of Stafford. It would be recollected that some years ago, in consequence of the notoriously corrupt practices in this place, a Committee was appointed to make inquiry into the circumstances. The Chairman of that Committee was the hon. Baronet, the Member for Buckingham (Sir Thomas Fremantle); and after a patient investigation, they came to the resolution that the whole system was one of systematic corruption. The resolution was, that it appeared, from the evidence taken before them, that a system of open and undisguised bribery existed in the borough of Stafford, and that therefore, it should cease to return Members to Parliament; and the chairman was ordered to move for leave to bring in a bill to disfranchise the borough. A bill for that purpose was, therefore, brought in, but in consequence of the late period of the Session the Bill was not proceeded with, but in the following one it passed that House, and was sent up to the House of Lords, who, he supposed, could not find time to consider it. Next year, the Bill was carried a second time, almost without opposition, in that House, but it was again consigned to oblivion in that place, where so many other good measures met with the same fate. Before the next meeting of Parliament, a change in the Government took place, which was followed by a dissolution of Parliament. The hon. Member for Buckingham having accepted office under the new Administration, gave up the Bill, upon which he (Mr. Divett) took charge of it. He introduced it, and a third time it passed that House, and was sent up to the House of Lords, and then a discussion was had on it. In the following year, they called evidence on its merits, but the evidence their Lordships called, referred not to the election at which the corrupt practices were proved to have taken place, but they went into an inquiry respecting several previous elections for the borough. The Bill, however, was again rejected—with what motives he would not stop to inquire; but he would remark, that all the allegations stated in this House had been fully borne out. They admitted the necessity of a remedy, but they refused the means. One bill was rejected, because it disfranchised freemen, burgesses, and householders; and another, because it disfranchised the burgesses only. All remedy for the acknowledged corruption was positively refused. It appeared in evidence, that at one election there were 945 voters of Stafford who accepted bribes, while there were only 104 to whom the slightest degree of purity could be imputed. One argument that might be used was, that, as the Reform Bill had infused a vast number of householders into the electoral body, that probably some more purity might now be expected; but the same return showed that, in the householders' list, eighty-five had accepted bribes, and only eighty-two refused them. While there was such an inclination to protect such corruption in another place, he thought it was the duty of that House to take the strongest measures for punishing it within their power; he thought that, in the event of a dissolution, that House would be justified in addressing the Crown to withhold the issuing of any writ to Stafford—at all events, it was their bounden duty to withhold the writ so long as this Parliament lasted, in order to show to the country that that House was determined to punish corruption as severely as possible. He was aware, that it might be objected to his proposition, that there was no precedent for the course he proposed to follow; but he would only say in reply, that, while there was such a manifest disinclination in another place to punish corrupt voters, that House was bound to show that it was determined, by the exercise of any authority it possessed, to endeavour to effect that object. He concluded with moving, as an amendment, that no writ be issued for the election of a Member for Stafford, until ten days after the commencement of the next Session.

Mr. *Hodgson Hinde* did not believe that any great advantage would result from longer withholding the issuing the writ for Stafford. More than half of the present constituency of Stafford had never been guilty of the charges laid to them, and he should, therefore, support the motion of the hon. Member for that borough for the issuing of the writ. It was true, the results of the investigation before the House of Lords was, that a very serious number of cases of bribery and corruption existed in Stafford; but, he believed the House would not go the length of disfranchising the borough on that ground. Look to the case of his Majesty's present Attorney-General in that borough; the sum of 2,000*l.* in that instance was to be paid, provided his election was secured. Who was the greater criminal in this case, the learned Gentleman who stood high in the country and at the bar, or the poor electors of Stafford? When the conditions accompanying the advance of this sum were considered, there could be no doubt that it was not to be expended for the legitimate expenses of the election. He did not wish to say anything invidious of the hon. and learned Member for the course he had pursued—that the hon. and learned Gentleman had been promoted to the highest legal office which a commoner could enjoy; and more than that, although no peerage had consoled him, in the words that had once been applied to a countryman of his own, it might be said to him, "Thou shalt beget peers, though thou shalt not be peer thyself." [Cries of "*Order.*"] If he was not speaking facts, he would submit to the decision of the Chair. In conclusion, he would only say, that if the hon. Member for Exeter would include in his Bill those who were the givers of bribes, and exempt the 300 voters who were not bribed on any former election, but had since been created, he should have his support. But if he would visit with vengeance the constituency of the borough who had not been bribed, he would meet out one measure of justice for the briber, and another for the poor persons who had accepted bribes.

Captain *Chetwynd* was satisfied that the hon. Gentleman who spoke last, could not have read the evidence given at the bar of the other House. The question before the House was, whether a writ should be issued or not, and not as to the innocence or guilt of the borough. He was surprised at the arguments that had fallen from the hon. Member for Exeter. He had stated the number of Bills that had been introduced in that House, and sent up to the House of Lords. It was true, that that House had passed four Bills, and when the fourth was sent up to the other House, in the Session of 1836, it made a strong impression, and the other House thought there must be some ground for so many bills on the same subject. That House instituted a full inquiry into the subject. The evidence was taken upon oath, which was the most likely means to elicit the truth. The Bill was conducted, and the evidence in support of it was examined by one of the most rising and able advocates at the bar, it was conducted before the highest legal authorities, and after being continued for six weeks, their Lordships came to the conclusion, that the allegations contained in the Bill had not been supported, and that the accusations against the borough could not be substantiated, and were not borne out by the evidence. Under such circumstances, he submitted to the House, and he did this with some degree of confidence, that the borough of Stafford stood fully acquitted of the charges brought against it. It stood in the same position as a person accused of crimes or misdemeanours, who was taken before a magistrate, committed, put upon his trial, had the case fully and fairly inquired into, and was acquitted by a jury of his countrymen. Under such circumstances, such a person would be entitled to have all the privileges and advantages of an innocent man. In such a situation stood the borough of Stafford. There was no accusation against the borough at present—there was no accuser even. There was no Bill of Pains or Penalties brought forward. What was the House called upon to do? The hon. Member for Exeter said, that not being satisfied with the evidence given elsewhere, he would still continue to punish the borough. Nothing could be more unjust, and he was astonished that the hon. Member for Exeter, professing, as he did, liberal principles, should still wish to persecute (for he could not use a milder term) the burgesses of the borough of Stafford. He trusted the House would, by its vote, prove distinctly that it never would be their practice to punish the innocent, but that they would show that that justice which ought to be dealt out with an equal hand to every body should be afforded to the borough of Stafford.

Mr. *Hall* stated, that he had listened to the facts brought forward by the hon. Member for Newcastle, and had upon those facts come to a directly contrary conclusion from the one adopted by that hon. Member. He thought that the House would abandon its duty if it issued a writ to such a notoriously corrupt place as that borough was proved to be. The question was not whether the Attorney-General or some Tory Member had been guilty of corruption, but whether the electors of Stafford should be enabled to receive bribes? If a Bill were again brought forward for the disfranchisement of the borough, he was certain it would meet with the support of the House, and he seriously trusted that the borough would be ultimately disfranchised.

Sir *Thomas Fremantle* said, that as he had devoted some attention to the particulars of the Stafford case, perhaps he might be allowed to state shortly to the House the reasons which led him to give the vote which it was his intention to give on the present occasion. It was extremely grating to his feelings to be obliged to differ from other hon. Members, but he felt that he could not vote for the amendment. The evidence which had been delivered before the House of Lords did not in the slightest degree alter the opinion which he had formerly entertained with respect to the corruption of the electors of Stafford, and he was prepared to say that he very much regretted that a measure for the disfranchisement of the borough had not passed into a law. It was unfortunate that various circumstances should have interposed in the way of the success of such a measure. A Bill for the disfranchisement of Stafford was taken up to the House of Lords more than two years ago, along with two other Bills—a Bill for the disfranchisement of Warwick, and another for the disfranchisement of Hertford. These Bills were considered by some parties as of more political importance than the Bill for the disfranchisement of Stafford, and therefore they were taken up first; but if he had been permitted to deal with the Stafford Bill at once, he had no doubt that it would have passed into a law. At the same time, he must say that the case was now very much altered. A great change had taken place in the constituency of the borough. He was satisfied that a large proportion of the freemen had ceased to be on the register. New buildings had been erected, and a new constituency had grown up. But the question of time formed an element in the consideration of the subject, which was of very great importance. He particularly insisted on this point, because the other evening, when a letter of the hon. and learned Member for Kilkenny was being read, the hon. and learned Member said, "Oh! but that was in 1830." It was admitted, therefore, on the other side of the House that the question of time was one of consequence. The real subject matter for their deliberation was, whether if a Bill were brought forward for the disfranchisement of Stafford there was a reasonable prospect of carrying the Bill. If his hon. Friend, the Member for Exeter, was prepared to say that he was ready to bring in a Bill for that purpose, and that there was a reasonable prospect of carrying it, then he would vote for suspending the writ until the end of this Parliament; but on the grounds on which his hon. Friend had placed the amendment, he could not in justice to his own feelings, and in accordance with his sense of duty, vote for it. His hon. Friend said, that the right course to pursue, would be to address the Crown, praying that it would not issue a writ for the borough of Stafford again. But his hon. Friend did not take that course, and the reason he assigned for not adopting it was, that it would be inconsistent with the principles of the constitution. Now, he would ask his hon. Friend whether the continued suspension of the writ would not, under the circumstances of the case, be equally inconsistent with the principles of the constitution? This matter was of far too much importance to be trifled with. It ought not to be dealt with in a spirit of party jealousy or petty personal feeling. The voters, had, unquestionably, been guilty of corruption, but as a considerable change had taken place among the constituency, and believing, as he did, that the time which had elapsed ought to be taken into consideration, he should vote for the original motion—that the writ do issue.

Mr. *Robinson* observed, that as an attempt would probably be made to fasten imputations on those who intended to vote as he did, for the issuing of the writ, it was desirable that he should be allowed to state the grounds on which he had made up his mind. In his opinion, no sufficient reason had been shown for the suspension of the writ. The only Parliamentary grounds for such a course, were, that judicial proceedings were actually pending. So long as the House of Lords had a concurrent jurisdiction with that House upon questions of this nature, their consent must be obtained; and if the House of Commons thought proper to suspend the issuing of a writ after an investigation by both Houses, they would virtually deny the authority of the House of Lords. What was the case with Penryn? The House of Commons declared that the electors of Penryn had been guilty of corruption, and a Bill for their disfranchisement passed through that House, but the Lords differed from them, and a new writ was subsequently issued. It was, therefore, upon grounds purely constitutional, and not from any doubt whatever that he entertained as to the facts of bribery and corruption having taken place at elections for Stafford, that he should vote for the issuing of the writ.

Mr. *Buckingham* said, as he intended to vote for the issue of the writ, he hoped the House would allow him to explain the grounds on which he should feel it his duty to do so, as they would perhaps be somewhat different from those taken by hon. Gentlemen on the opposite side. He was as much opposed to bribery and corruption as any man: and would visit it, wherever found, with punishment and shame; at the same time, it was the duty of the House not to be led by its abhorrence of one kind of injustice into the commission of another. If the motion had been for unseating the Member who had obtained his majority by bribery, and disqualifying him for ever from sitting in Parliament, such a motion should have his cordial assent. If it had been for disfranchising those voters only against whom bribery had been proved, and disqualifying them for ever from the exercise of the elective franchise, he would cordially support such a proposition. But the present was no such measure—it was one that confounded the innocent with the guilty, and that even punished the innocent for the guilty, a proceeding to which he would never give his assent. The whole argument for the suspension of the writ, was founded in a gross fallacy. It was said "Stafford has been guilty of bribery, therefore let Stafford be disfranchised." Now if Stafford were a man, who had perverted his electoral privilege to unworthy purposes, this would be a reasonable sentence, since the identity of the criminal being continued, it would be proper that he should be punished. But Stafford is a town, containing many hundreds of men, some innocent, some guilty—and these so changing every year, that the identity of Stafford, as it regards its inhabitants, is not continuous for even half that period. It is now some years since the bribery alleged took place. A large number of the electors of Stafford were exempt from the guilt of this transaction at the time. Very many of those who were guilty, are since dead; and every year there has been a new accession to the numbers of the persons coming of age, and occupying houses, which would qualify them for voting:—so that while at first only a portion of the inhabitants were guilty, that portion has been lessened every year, and the number of the innocent coming to the state fit for exercising the franchise has been increasing. Now, if the House suspends the writ still further, it will in effect be saying, that because some few electors some years ago accepted bribes from candidates, therefore, we will punish, by the deprivation of their franchise, all those who were not guilty of bribery then, all those who have arrived at the possession of a good qualification since, and all those who may in every succeeding year, become possessed of an elector's qualification in the town of Stafford in all time to come—an injustice so palpable that no man of reflection could fail to perceive it. Let the House punish those who gave the bribes and those who received them—but let not the innocent suffer for the guilty. Let the franchise be extended, and the ballot introduced, and bribery will soon cease. But as an unjust vote is as bad as a bribe, he would condemn them both, and never be induced either to give the one or receive the other; nor would he consent to punish the innocent for the guilty, however much his motives might be called in question: because he who had not the courage to act as he thought right, without reference to party, was unworthy the honour of being a representative in a free assembly.

The House divided on the original motion:—Ayes 152; Noes 151: Majority 1.

The writ ordered to be issued.

Poor Laws (Ireland).] Lord *John Russell:* I beg to move the Order of the Day for the House resolving itself into a Committee of the whole House on so much of the King's Speech as relates to the establishing of Poor-laws in Ireland.

The House in Committee. The following passages in the King's speech were read by the clerk:—

"My Lords and Gentlemen, his Majesty has more especially commanded us to bring under your notice the state of Ireland, and the wisdom of adopting all such measures as may improve the condition of that part of the United Kingdom. His Majesty recommends to your early consideration the present constitution of the municipal corporations of that country, the collection of tithes, and the difficult but pressing question of establishing some legal provision for the poor, guarded by prudent regulations, and by such precautions against abuse as your experience and knowledge of the subject enabled you to suggest. His Majesty commits these great interests into your hands in the confidence that you will be able to frame laws in accordance with the wishes of his Majesty and the expectation of his people. His Majesty is persuaded that, should this hope be fulfilled, you will not only contribute to the welfare of Ireland, but strengthen the law and constitution of these realms by securing their benefits to all classes of his Majesty's subjects."

Lord *John Russell* then rose and spoke to the following effect: I feel, Sir, the extreme importance of the subject which I am about to bring under the consideration of the House; at the same time I feel it is one which, while it has received much discussion, while it has been the subject of a report made by Commissioners appointed by his Majesty, who collected a great deal of information in relation to it, is likewise a matter which I can rely confidently the House thus prepared will come to the consideration of, not only with the necessary information at its command, but with a desire to form a safe and dispassionate conclusion. I will preface what I have to say on the subject of Poor-laws for Ireland with some few observations as to the advantages which may be derived from poor laws in general, the manner in which a poor-law should be applied, and the abuses to which it is subject. These are matters which are illustrated, I think, very fully and sufficiently in the history of this country. It appears from the testimony both of theory and of experience that when a country is in such a state that it is overrun by numbers both of marauders and of mendicants having no proper means of subsistence, a prey on the industry of the country, and relying on the indulgent charity of others, the introduction of Poor-laws serves several very important objects. In the first place a Poor-law Acts as a measure of peace, enabling the country to prohibit vagrancy and to prohibit those vagrant occupations which are so often connected with outrage. It acts in this way by the very simple process of offering a subterfuge to those who rely on outrage as a means of subsistence. It is an injustice to the common sense of mankind when a single person or family are unable to obtain the means of subsistence, when they are altogether without the means of livelihood from day to day to say they shall not go about the country to endeavour to obtain from the charity of those who are affluent that which circumstances have denied to them. But when once you can say to such persons—here are the means of subsistence as far as subsistence is concerned—that is offered to you; when you can say this on one hand you can say on the other hand, you are not entitled to demand charity, you shall no longer infest the country in a manner injurious to its peace, and which is favourable to imposition and outrage. Another way in which a poor-law is beneficial is, that it is of itself a great promoter of social concord, showing a disposition in the state and in the community at large to attend to the welfare of all classes. It is of use, also, inasmuch as it interests more especially the landowner and persons of property in the country in the welfare of their tenants and their neighbours. A person possessed of considerable property, who looks only to receive the rents of his estate, may be careless as to the number of persons who may be found in a state of destitution, in a state of mendicancy, or ready to commit crime and act as marauders in the neighbourhood of his estates; but if he is compelled to furnish means for the subsistence of those who are destitute, it then becomes as well his interest as his natural occupation to see that all persons around him are well provided for, that they are not in want of employment, and that his immediate tenants can live in a state of comfort. I conceive that those objects, and several others which are collateral to those, were obtained by this country by the Acts passed in the reign of Elizabeth. When we look to the state of the country immediately preceding and during the greater portion of that reign we should be inclined to think, if we viewed it as a matter of not so remote a time, but nearer to our own time and to our own neighbourhood, that it must be very difficult to bring the country into that condition of peace, order, and civilisation which it now enjoys. We are told with respect to crime in the reign of Henry 8th, that no less than 70,000 persons were executed in this country for theft and various crimes. We are also told by a magistrate of the county of Somerset, who wrote in the reign of Elizabeth, that in that county alone forty persons were executed in the year for theft and other lawless practices; and the county was in such a state of insecurity that the cultivators of the soil found great difficulty in protecting their herds and flocks and crops from robbery. Gangs, comprising no less than sixty persons, sometimes attacked them, such was the state—not of that county alone—but of most of the counties in England. The writer adds, that the forty persons who were executed in one year did not constitute more than a fifth of all those who were guilty of similar offences, but the remainder escaped prosecution altogether. A number of other instances might be furnished of the deplorable state of the country at that period. Even in London, such was the extent of crime, that a commission was issued empowering a certain high officer to execute martial law in the streets, and persons found committing depredations in the street were taken up under that commission, and hanged without trial. Now, that was a barbarous state of society, which it was most difficult to remodel; but the means taken were many combined together. Various changes were made, both with respect to the law and the police, into which I need not enter on the present occasion; but there was one in particular, which, I think, tended to the improvement of the country, to the establishment of peace, and to the creation of that which I consider almost the greatest benefit that can be conferred on any country, namely, a high standard of comfortable subsistence for the labouring classes—that one was the establishment of poor-laws. That much was effected by the Act of the 14th of Elizabeth, and by other Acts, cannot be denied, but the improvement was effected chiefly by the great Act of the 43rd of Elizabeth. The principle of that Act was, that the infirm, the cripples, the orphans, and impotent persons, should be relieved by the public, and that able-bodied persons, unable to procure employment, whereby they might obtain their living, should be set to work. The Act in question was founded on principles adapted to that time, and which, I have no doubt, were applied with great effect. That, then, I conceive to be the use of a poor-law. I may here mention that a short time after the passing of the 14th of Elizabeth, an Act was passed in Scotland enacting a system of relief for the poor, but leaving out that part of the law which provided that able-bodied persons should be set to work. The Scotch Act provided compulsory relief for those who were unable or incompetent to work. It was a long time before any considerable mischief was found to arise from the English poor-law. No doubt many abuses arose in particular parts of the country. There were abuses stated by a writer at the beginning of the last century, but it was not till towards the end of the century that some very fatal abuses prevailed. I conceive it was the object of the poor-law of Elizabeth to provide, in the first place, for the relief of those persons who were infirm and unable to work; and in the next place, by compulsory measures, to set able-bodied persons to work—to set them to hard labour, which was distasteful to them, and, in fact, to place them in a situation inferior to that of the able-bodied independent labourer. But there arose, about the end of the last century, from circumstances which occasioned a great scarcity of provisions, the cause of which I need not go into now—there arose a notion that the principle of the poor-law was, that all persons, whether industrious or idle, whether deserving or undeserving, were entitled to be maintained by the parish funds. The evil of this system soon began to be felt. It was impossible that such an opinion of the law could be carried into effect without occasioning the greatest evils. For a long time the idle and profligate found it more to their interest to live on the parish funds, than to obtain their livelihood by the regular course of employment; they found that they possessed greater advantages, living in that way, than if they had sought regular employment, and had relied for the means of subsistence on their character and industry. I am alluding now to facts that are so notorious, that I need not go into them. I will only refer to one case, which is mentioned in the report of the Commissioners. It is the case of Soulbury, where the poor increased to such an extent, that the landlords gave up their land, the farmers gave up the occupation of their farms, the clergyman gave up his tithes, and the whole parish was left in the undisputed possession of the paupers. It was, after many inquiries into these abuses, that the Poor-law Amendment Act was introduced into Parliament, and became law. The principle of that Bill, as I conceive, is to act fully and fairly on the principle of the 43d of Elizabeth; is to place the pauper labourer, the pauper who cannot find work, and the infirm who apply for support, in a situation more irksome than that of the independent, industrious, and successful labourer. Now the means by which this is accomplished are, by offering all such persons a residence in the workhouse; by giving them, as the Poor-law Commissioners state—and I will not enter into the dispute whether that is the case or not—a sufficiency of food, warm clothing, and a comfortable warm residence; but, at the same time, placing them under a certain degree of confinement; so that, while they have the necessary clothing, the means of subsistence, and often a warmer residence in the winter, than the independent labourer possesses, yet the restraint is so irksome to them, that they are not willing to subject themselves to it, except when really in a state of destitution. This has been proved clearly by the Assistant Commissioners to be the manner in which the new Poor-law works. I have consulted two of the Commissioners, with whom I happen to be acquainted, on the subject, and they both say the food is wholesome, and the workhouse accommodation is better than that possessed by the independent poor, but the confinement renders it irksome, and, in that way, the workhouse becomes a place that the poor would gladly avoid the necessity of having recourse to. It is to these principles, and to this experience, that we must look very much as a guide, in forming any Poor-law which we wish to introduce for Ireland. We ought to be unwilling, on the one hand, to introduce a system which will generate the abuses which have resulted from the English Poor-law; we ought to be very willing, on the other hand, if we can, to introduce some of those good effects which have resulted to England from her system, while we avoid the injurious consequences I have adverted to. The Poor-law Commissioners for Ireland, in the course of last Session, made a report which was laid before this House, in which they recommended many measures of improvement for Ireland, and in which they suggested certain measures with regard to the indigent. It is this measure with regard to the relief of the indigent, to which I would call the attention of the House, as the principal object of the Bill I am now about to introduce. The other suggestions for the general improvement of Ireland, though I may touch on them this evening, I propose to leave for future consideration. The Poor-law Commissioners, with regard to this question of immediate relief of the destitute, propose, in the first place, that a large class of persons should be provided for, at the public expense, by means of a national and local rate. They advise also that there should be money afforded for emigration, and that dépôts should be provided for persons preparing to emigrate. In considering that report, great doubts occurred to his Majesty's Ministers, whether it were a good principle to provide only for certain classes, and whether those dépôts for emigration could be safely and advantageously adopted. It appears from every reflection on the subject, that there can be no reason for saying why there are to be only certain classes to which relief is to be extended, that is, provided we are prepared to administer relief. The different classes to whom it is proposed to give relief are here enumerated:—The noble Lord here read an extract from the last report of the Commissioners for inquiring into the state of Ireland, and stating that, in their opinion, relief ought to be given to lunatics, to persons who were deaf, blind, and all the labouring poor that were infirm; that they should be supported within the walls of public institutions; that for the sick who remained at home, there ought also to be institutions to supply them with medicines; that helpless widows, with children, ought to be supplied, as well as other persons similarly situated; and also suggesting the support of persons intending to emigrate. The noble Lord then continued by saying, Now this enumeration contains so many persons, there are so many classes of persons embraced in it, that you could not, if you undertook to provide for so many classes, exclude others. Including these, I certainly cannot see what objection there can be to provide for the destitute and able-bodied man. There are some persons in this list, such as the incurable lunatic, the helpless widow with young children, or the sick man—now these are persons in such circumstances as it is recommended that relief should be afforded to; and which circumstances seem to us calculated to excite individual compassion, and not circumstances to which exclusive national regard ought to be had. If a person in the five-and-twentieth year of his age, in the full possession of his health and strength, be unable by his industry to obtain a livelihood, or if he have not the means of support, were to stand at the doors of one of those public institutions starving, in want of support, and who was likely, if not relieved, to die in a few days, I cannot understand the principle that would distinguish a person in that case, as one to whom you would not give relief, when you give relief to the young and the infirm. The real principle to be adopted on this subject is, to afford relief to the destitute—and to the destitute only; and it would, in my opinion, be quite as wrong to refuse relief to the able-bodied person in that situation, as to afford relief to the cripple, to the widow, to a deaf or a dumb person, who was in a state of affluence, and had other means of support. It is not, then, the peculiar circumstances which excite public or individual compassion that we are to regard; but, if we have a Poor-law at all, it ought to be grounded on destitution, as affording a plain guide to relief. Then, with respect to the other proposition, that there ought to be a penitentiary, to which the paupers ought to be sent, and that there ought to be dépôts for those intending to emigrate; if you are willing to adopt a plan to that extent, of having a penitentiary for vagrants, and dépôts for emigrants, it is, I say, far better for you to adopt the workhouse system at once; because, if you have a dépôt for emigrants, it will afford, as it appears to me, great ground for abuses. Suppose you get 500 or 600 persons in a dépôt for emigration, it will be difficult to apply to them that restriction, and enforce that discipline, which you could do if they were in a workhouse. It may be said, that they are merely passengers—that they are in a sort of public inn or hotel, until they take their passage, and they are not, therefore, to be treated as paupers entirely dependent for support upon the public. Thus, then, they cannot be restricted, nor placed under the same discipline as if they were in a workhouse; and besides, there is no security that they will avail themselves of emigration; for, supposing 300 out of 500, who have been for two or three months in one of those workhouses, are told that the ship is ready in which they were to have embarked, and they refuse to go, what means have you to compel them, unless you resort to that which would be so odious as to be impossible to be carried into effect, that is, oblige men to emigrate? Thus, then, after supporting them in the dépôt, you must let them go at large, and they would only go to persevere in their usual habits of vagrancy. It appears, therefore, to us, that you could not adopt that part of the recommendation of the Commissioners, without a great deal more of consideration than the plan proposed by the Commissioners appears to us to have received. And deeply impressed as we have been, with the responsibility that attaches to a Government which proposes a law upon this subject, it occurred to us, that the best method of forming a judgment on the subject was, to see whether that law which, as amended, has been applied to England, could be enforced in Ireland with advantage to that country. For this purpose, Mr. Nicholls, one of the Poor-law Commissioners, and who is so well known for his worth, abilities, and intelligence, I requested to go over to Ireland, and ascertain on the spot, whether anything resembling the machinery of the English Poor-law could be applied there. I should mention here, that Mr. Nicholls, who has had great experience upon this subject, had, in one district in this country, adopted an improved method in the working of those laws, even before the amended law was carried; but this also ought to be stated, that in the early part of last year, he drew my attention to the subject of a Poor-law for Ireland, and I have been in constant communication with him on this matter, since the commencement of the Session of 1836. As I was sure that he was qualified by abilities and experience, so was I also aware that he would carry into the examination of this subject equal caution and zeal. Mr. Nicholls, then, proceeded to Ireland, and the result of his inquiries is, that, supposing it was expedient to extend a Poor-law to Ireland, there was no effectual obstacle, no sufficient objection to the establishment of a Poor-law, in many respects resembling the amended Poor-law in England. The reasons of that opinion are given at considerable length in the Report which I have had the honour of laying this day upon the table; and I will now state generally what are the reasons given in that Report, and why I think it is expedient to establish a Poor-law in Ireland, and to describe what is the nature of the Poor-law that I mean to propose. I think there can be no doubt of its expediency, if the House will bear in mind the description which I gave of this country in the reign of Queen Elizabeth—there can be no doubt that there has prevailed in Ireland many outrages consequent upon vagrancy and destitution, and the people being left without a remedy or relief. It has happened in Ireland (I do not now inquire as to the causes, but the fact cannot be disputed), that while the people themselves—unlike the population here—have not improved in their condition, that the population has increased very much in numbers; that there has been this increase in population, while there has scarcely been an increase in the means of subsistence, and a lowering of the standard of subsistence. So that, after a long period, it is found that there prevails in Ireland, according to the Report of the Poor-law Commissioners of Ireland, such an overplus of labour, that four agricultural labourers in Ireland only produced as much as one agricultural labourer produces in England. That, it is to be observed, cannot fairly be attributed to a want of industry amongst the Irish people; on the contrary, we have it in the evidence of those examined by Mr. Lewis, and particularly from one gentleman of Birmingham, that he never found the Irish labourer to refuse work, or fail to perform it to the utmost of his industry and capability. There is not, then, a want of industry amongst the people. It is the country that has been allowed to be in such a state, that industry cannot succeed in it. It is admitted, that the only subsistence of the peasant is derived from the land which he has—it is taken from his small holding—it is not from the gain of regular wages; and where there are regular wages received in particular districts, these wages are received only by a part, and not by the whole, of the labouring population. The peasant gets his subsistence out of his small holding; the labourers live upon the potatoes raised by themselves out of that small portion of land they get; and it is by means of his possession, and the use of their industry, often very ill-directed, and not by the application of wages for labour, that they are able to maintain existence. The result of this is stated by the Poor-law Commissioners (though that is a statement of which I doubt the accuracy), that there are nearer to three than two millions of people, for a certain portion of the year, in an entire state of destitution. There is no doubt whatever of this, that a large portion of the people of Ireland, especially those not having land, do practise mendicancy for a great portion of the year. I have made some inquiry, with respect to the amount and extent of the relief thus afforded to that mendicancy, because it is to be considered, that when we say we will adopt a Poor-law (and that we should adopt one is my opinion), it is to be remembered, that a very considerable tax is now raised on the farmers of that country by mendicants, and which, I may say, is now raised as a compulsory rate. With this view, I asked of my noble Friend who sits near me, the noble Lord, the Secretary for Ireland, to obtain as accurate an account as possible of the amount paid in this way, from two or three farmers, in ten or twelve districts—the amount that was paid for rent, the amount paid for tithes, the amount paid to the Roman Catholic priests, and the amount paid to mendicants. The result is, I should say, that in most cases, a shilling an acre is paid in the course of the year by the farmers, for the support of mendicants. In some cases it has been sixpence an acre, in others ninepence an acre; but in one case, where a person had a farm, not very considerable in size, it was more than two shillings an acre. That person paid 10*l.* a-year, not in money certainly, but in food. There was more than two shillings an acre paid for mendicity. Now, this is in itself a very heavy tax, and which cannot be assumed, upon the whole, to amount to less than between 700,000*l.* and 800,000*l.*, perhaps a million, in the year. And let it be observed, that this practice of mendicancy, which raises so vast a sum in the country, is not like a well-constituted poor-law, which affords relief to the really indigent. It is the practice, in Ireland, for the farmer to give relief to the mendicant who asks for it—the potatoes are there ready for him—there is no inquiry into the circumstances of the mendicant: generally it is not near home that he begs, and the farmer has no means of knowing him. But that which seems to afford relief to the distressed, also promotes and keeps up impostors. We have a statement with respect to England which shows the advantage that mendicancy obtains from imposture. A medical gentleman has stated with respect to Suffolk, that he has, during the continuance of the old Poor-law, discovered every species of the simulation of disease. Those who pretended to be affected with catalepsy, those who shammed cripples, and the shamming of some of the most agonizing and excruciating diseases, and all this for the purpose of receiving relief from the parish. It cannot, then, be supposed that in Ireland, where mendicancy is so general, and where relief is so freely given, but that the number of impostors must be enormous. But there is another evil to which a Poor-law would peculiarly apply, and which is, in truth, one of the greatest evils to which the country is subject—it is, that the usual mode of obtaining a livelihood with the labouring classes, is from a small holding of land. If you deprive the poor labourer of his small holding of land, he is immediately driven into a state of destitution, and he becomes ready for the commission of any outrage, in order that he may supply, by outrage, what mendicancy may be unable to procure for him. I put the case without referring to the question whether the landlord or the tenant has acted badly or not; but in either case, where the labourer is turned out of his holding, it leads to the commission of outrage. If you suppose a number of persons driven suddenly from their small holdings by their landlord, you can then suppose the combinations that are formed, that they return in numbers,—that they come in arms, and endeavour to deprive the tenant succeeding them, and thus repossess themselves by force of the land. But put the case the other way. A tenant is in possession of a holding for three or four years, and this without paying any rent, and the landlord is compelled to get rid of him. That bad tenant, such is the state of the labouring classes, collects the sympathy of that class, and they arm themselves against the landlord. A band is formed for the commission of crime, and the crime finds an excuse, and, I will say, a justification in the sympathy of the peasantry of the country. Let me advert to one case, for there are many cases of outrages, all arising from this source in Ireland. The case occurred about two years since, and I noticed it in the police report; it shows the sympathy of the peasantry for a person in the condition I have described. A tenant was dispossessed from his holding; a person had taken possession, and he came upon the land, with a farm servant, to cultivate it; the farmer, who had been in possession, came near to them with a gun in his hand; he immediately aimed at the new tenant—it missed; he cocked the gun again, fired at the servant, and shot him dead on the spot. There could not be a more unprovoked homicide than that. It was evident that the farm-servant, who had nothing to do with the holding, and who went there to earn his wages as a labourer, was thus basely murdered; and yet the police, who were in an hour afterwards at the place, could not find persons to give them information as to who committed the murder. Information was refused, because the sympathy was for the person who was driven from his holding. This state of society has been produced by the absence of any legal provision for the poor. It has produced on the one hand the most extensive mendicancy, and on the other the most extensive crime. It has produced, too, a third consequence, namely, the indifference or neglect, the want of care on the part of landlords as to the manner in which their property is cultivated and their tenants live. In a great part of Ireland, the same indifference prevails as to the comfort of the tenants on the part of the landlords. In this country, the state of the labourers is looked to, and even in what repair the farmhouses may be. A great amelioration, I believe, in this respect, is taking place in Ireland; but, generally, the landlords in Ireland regard the connexion as a mere bargain between them and the tenant, by which they are to obtain a certain rent from him. They no more care for the welfare of the tenantry, than if they had to do with an indifferent or third person, and with the payment the transactions are at an end. The competition for land in Ireland, likewise gives rise to very high rents, to very high nominal rents, and which no unfortunate tenants can pay. The extreme competition for land, too, leads to most injurious consequences, and of course it leads, too, to the extremely bad cultivation of the land. There are parts of Ireland in which tenants would be glad to improve the land, but will not do so because there is an extreme competition for land, and also from extensive vagrancy they find it impossible to do so. I will take the liberty of reading a sentence from the report of Mr. Nicholls, in which he deals with the evils that arise from this source. They are thus disposed of in a very few words:—

> "Ireland is now suffering under a circle of evils, producing and reproducing one another. Want of capital produces want of employment—want of employment, turbulence and misery—turbulence and misery, insecurity—insecurity prevents the introduction or accumulation of capital—and so on. Until this circle is broken, the evil must continue, and probably augment. The first thing to be done, is to give security—that will produce or invite capital—and capital will give employment. But security of person and property cannot co-exist with general destitution. So that, in truth, the drainage, reclamation, and profitable cultivation of bogs and wastes—the establishment of fisheries and manufactures—improvements in agriculture, and in the general condition of the country—and, lastly, the elevation of the great mass of the Irish people in the social scale, appear to be all more or less contingent upon establishing a law providing for the relief of the destitute."

Now, with respect to that part of the case, we have come to the opinion, that it is expedient and right to introduce a law for the relief of the destitute. The next question is, in what manner is that relief to be given, and to whom is it to be given? I have already stated, that I do not think that we ought to limit relief to certain classes. You must give relief on the ground of destitution, and to every class and person in a state of destitution. The next question arises, whether you are to afford relief in any other manner, than it is now given in some of the improved districts in England—that is, by in-door relief to the paupers? The Poor-law Commissioners have expressed a very strong opinion upon this subject, and they give reasons which I think conclusive on the subject. They are of opinion, and I think with them, that the administration of out-door relief would lead to a most pernicious system, mixing up mendicancy and charity with labour—a system of persons, partly obtaining support by labour and partly relief from the public purse; and, if we were at once to adopt this system, I certainly do think, that not only would those evils take place in Ireland that existed in England, but I believe that those evils would be very much greater, and that out-door relief in Ireland would absorb a much greater part of the profits of the land. I am confirmed in this opinion, by a report which I lately received containing resolutions bearing very much on this subject. It is a report from the Mendicity Institution of Dublin. They "declare that they do not think it wise to administer out-door relief to any person not labouring in the Institution itself." I will next come to the question whether, if we adopt the present system of workhouse, that system of workhouse can be rendered effectual to any purpose? There is one objection to them stated on this ground, and it is urged very strongly by the Commissioners. I know it was felt very strongly by some individuals in that commission, that the workhouses would not be safe—that there would be too much violence—that there would be such an indisposition to the restraints that those restraints could not be enforced. Mr. Nicholls, for the purpose of establishing this fact, made a full inquiry into all the various houses of industry, the mendicity institution, and the other institutions that exist in Ireland, and he says that the conduct of those persons in these institutions gave no reason to apprehend anything of the sort. He observed, that in some of these houses of industry, they have carried the system of restraint farther than in some of the old English workhouses; they have established the separation of the sexes, and of the members of families, such as were established in the new union workhouses in England; and he did not find any regulation proposed to be made which did not now exist; on the contrary, every regulation is submitted to by the inmates of those houses of industry. I should think, therefore, as far as the question of settlement is concerned, there need not be any fear that there will be any violence used, or that we cannot protect the workhouses in Ireland, as well and as securely as in England, for the object of obtaining the result we desire, of maintaining good order and industry in them. The next difficulty, or rather another objection, has been stated, which lies at the bottom of the whole question. It is, whether this species of relief will not be so much sought after, that the workhouses will be altogether crowded with applicants, and that there will be no means of affording relief to those who will come in such numbers to ask to be supported in the workhouses. But, Sir, while I am ready to admit that that portion of the population which consists of persons decrepid and infirm will seek refuge in workhouses, it is, in my opinion, very doubtful that any person who can obtain any sort of subsistence by his individual labour will crowd into the workhouses, where they will be subject to confinement and labour. The evidence goes to show that the objection which has been taken to workhouses in England cannot be taken as a test in Ireland; and nothing is more unlikely than that labourers who can obtain any sort of employment, or who have any other means of livelihood than by confinement in workhouses, will crowd into the workhouse, either because the quality of the food or the habitation is very much superior. It remains to be considered how far a law so constituted can be carried into effect. And, on this part of the subject, Mr. Nicholls has made various suggestions, to which I shall shortly advert, as containing the plan which he proposes to adopt. In the first place, with respect to the mode of administering relief, and the question of vagrancy. To every destitute and decrepid person, the authorities having the superintendence of the administration of the law shall order relief to be given; that is to say, we do not propose to give them an absolute right, which, in fact, I do not think exists in England; we do not propose to give an absolute right to destitute and decrepid persons to secure relief in the workhouses. The reasons for this are, that not only would it be found difficult to create workhouses, and very unsafe to establish at once, in the whole of Ireland, that every person should be at once relieved, but there is also the difficulty of introducing a sound general principle of relief at once into the country. We do not, therefore, propose to establish at first more than four or five, or ten or fifteen, workhouses in Ireland. If we say, that all persons in Ireland shall be allowed to have relief in these workhouses, then these workhouses will certainly be overflowed in the beginning, and the experiment may be said to have failed, when in fact, it had only failed because it was not established throughout the whole of the country, but only in a portion. It is impossible to have evidence of the true working of the system until the whole is established; and, in order to give effect to it, it must afford relief to all that require it. But, then, it may be said, and it has been very much insisted upon, that the way of preventing such numbers from flocking into the workhouses is to establish the law of settlement, and to say that a residence of three years in the district, or some other qualification, should be established, by which certain persons only should be entitled to relief. But, Sir, on reflecting on the course of legislation that has been pursued in England, I have not made up my mind to propose any regular law of settlement in Ireland. I am quite convinced that the law of settlement is one of the gteatest evils of the Poor-laws of England. It circumscribes the market for industry, it confines it, owing to divisions in parishes, in many cases to a small extent of country; it confines the market for industry to a very great and injurious extent. It likewise led to immense litigation; and any person who had attended the quarter sessions and seen the disputes that arise there between one parish and another as to whether a person had been hired for a year and a day, whether he had been ordered to go home on the day before the expiration of that term, so as to destroy the settlement, or whether he had served a full year and a day, and various other similar questions —any person who had attended to this litigation and those disputes will not have any wish that I should in this bill introduce the question of settlement. If I were to introduce the question of settlement I think it would have these two consequences—one because we cannot immediately say that we will give relief, or indirectly a claim to relief at all to the destitute poor of Ireland; neither can we say in the second place, what is certainly greatly to be desired, that we will at once prohibit altogether and put an end to vagrancy. When the whole of the workhouses are in operation, and when we are enabled to relieve at them all such as are fairly entitled to have relief in the workhouses, then you may say we will not permit vagrancy. First, then, to all destitute persons who seek nothing but subsistence that subsistence we give, and tell them that we will not allow them to disturb the peace and order of society by seeking subsistence by other means. But until you can do this it is not just altogether to prohibit vagrancy, and I therefore do not propose to prohibit persons seeking alms, if they can show that they have been to the workhouse or have applied to the guardians of the union and have been refused relief. This, I think, is a necessary step in the transition from one state to another. If the scheme succeeds we shall be able hereafter finally to prohibit vagrancy. The next question that arises is that with respect to the local machinery. I propose, with regard to this point, that there shall be a board of guardians, to be elected once a year, as in England. I propos that the county cess payers shall have the first election, and afterwards, the rate being imposed, any person properly described as a rate-payer shall have the power of voting in the election of the board of guardians. Mr. Nicholls has entered very minutely into the question whether or not we ought to have *ex-officio* guardians in the same manner as in England. The opinion I have come to is, that it is not advisable to introduce a similar provision. In the first place, by the proportion which the *ex-officio* guardians bear to the number elected, the character of the bo d of guardians is altogether destroyed. I therefore propose that there shall be a smaller number of *ex-officio* guardians, and that they shall not exceed one-third of the number of elected guardians. Mr. Nicholls has likewise examined another question, viz., whether clergymen should be admitted as members of the board of guardians? He states, and, as I think, truly, that you cannot have the ministers of one profession without the ministers of the other; and, in the present state of Ireland, the presence of different ministers of religion on the board of guardians might raise many questions of dispute; and I think, therefore it would be better if the board of guardians were confined altogether to laymen. It must indeed be remarked that from clergymen of all denominations, from Protestants, Roman Catholics, and Presbyterians, Mr. Nichols received assurances of their willingness and anxiety to co-operate with the board, while some of them stated that they would rather be in the position of mediators between the board of guardians and the destitute poor, between the administrators of the law and those whom it would affect, where their exertions would be more efficacious in reconciling the poor to the law, and to those who would be exposed to their angry denunciations, than to the members of the Board. I think then that for these reasons it would be better that they should not be members of the board, but rather remain in that position in which they would be better enabled to use all fair exertion in favour of the law than if they aided in its administration. Now, Sir, with respect to the question of rating, it is proposed that the board of guardians being once constituted, and under the direction of the Commissioners whom I shall afterwards describe, shall impose rates according to the net annual value of the hereditament. The question then arises, and it will be found fully treated by the Poor-law Commissioners, how much of this rate shall be imposed on the owner, and how much on the occupier? It is proposed by the Bill which I hope to be allowed to introduce, that of the rate levied on full net annual value, one half shall be paid by the tenant and the other half by the owner of the land, that this provision shall be carried through in all gradations, and that when there are many tenants holding, some under others, such tenant who is the lowest occupier shall deduct one-half, and the person to whom he pays it shall have the power of deducting a certain proportion of the half as rate, and shall pay the rate on what he receives from the occupier. So that, in point of fact, all owners liable to be rated, and paying a sufficient amount, shall be entitled to vote for the board of guardians. But with respect to others who hold property under *5l.*, it is proposed that they shall not be liable to the rate, and shall not have the power of voting for the board of guardians. It is proposed likewise, according to the report, that owners and occupiers shall have a plurality of votes in cases where the property exceeds a certain amount. With respect to the other questions which are treated of in the English Poor-laws, it is not necessary in any Poor-law for Ireland to introduce provisions on these subjects. For instance, regulations as to bastardy need not be introduced, and apprenticeship is not proposed to form part of the law as in England. With respect to the cases of the Mendicity Institution and other charitable institutions it is proposed that they shall be under the direction of the Commissioners, who are to have the conduct and management of the whole administration of the law. With respect to the Commissioners, I think that the safest manner of introducing such a law as I have described is the simple machinery which has been found so advantageous in England, and through the aid of persons fully acquainted with the principles of the law of England, and who have been employed in carrying it into operation. We therefore propose that, instead of forming a separate Commission for Ireland, the Poor-law Commissioners for England shall have the power of intrusting to one or two of the Commissioners, and if there is only one, to any of the assistant-commissioners, the power of sitting in Ireland as a board of Commissioners, in order to carry the law into operation there. It is proposed that in case it should be necessary to add to the strength of the present Board of Commissioners, if the present number shall not be found equal to the task, then the board shall have an addition of one Commissioner, thus making four. When there are four Commissioners there will be found very probably one or two in Ireland and the others in England. I think this a better mode of proceeding than by establishing a new Board of Commissioners. It is far safer that we should have persons already intimately acquainted with the operation of the law. It is far better that they should form a part of, and have the power of communicating from time to time with, the Board in England, because if we establish a separate Board of Commissioners in Ireland, a totally separate Board, we shall probably, in the course of a few years, find the Commissioners of England and Ireland acting upon totally different principles. According to the testimony of the gentleman at the head of the Commission in England, he believes that three Commissioners only will be able to conduct all the operations required both here and in Ireland. These Commissioners will be intrusted with the power of putting the law into operation from time to time, according as they may see opportunity, in the different districts which they may think most favourable, and then they will proceed to other districts. They will form unions, either of parishes or of districts, or, without attending to the present divisions, they may form unions, and having formed an union, they will proceed to adapt any building that may be standing for the purpose of a workhouse, or they may build a new workhouse if necessary. There is a considerable difference of opinion between some of the persons who have considered this subject with respect to the size of the workhouses and the unions. A gentleman who has published a pamphlet on the subject, written with very great talent, proposed that there should be 500 unions, and that the number of inmates in the workhouses should be limited to 200 in each workhouse. Mr. Nicholls proposes that the unions should be more extensive, that there should not be above 100 unions, and that each should be capable of containing 800 inmates. This calculation is made according to the circuits of Kent, Sussex, Oxford, and Bath. The amount of pauperism in Suffolk is one per cent. of the population. I can mention an instance in

East Kent of a place where the able-bodied persons are 16,000, but there are not more than twenty-four in the workhouse. But suppose in Ireland the workhouses are to be fully occupied, Mr. Nicholls calculates that the whole expense for each person, including lodging, fuel, clothing, and diet, is 1*s*. 6*d*. per week. We have calculations made by various persons, and several calculations made by order of the Poor-law Commissioners, and the calculation of the expense of the workhouses in England by Dr. Way, and they all come to very much the same conclusion on the subject, viz., that 1*s*. 6*d*. per week is quite sufficient. If, then, you take 100 unions, the whole expense will be £312,000. Of course, as an original outlay, we must calculate the expense of workhouses at £700,000. This would be the amount of the whole expense according to this plan. But, Sir, while I consider that this plan is one of great importance, while I consider that it will in many respects improve the condition of the people of Ireland, while I consider that it will have many collateral advantages, as, for instance, accustoming the people to see examples of cleanliness and regularity, order and peace in the workhouses, and likewise, if the board of guardians are well formed, of seeing the different classes of the people acting together with cordiality and confidence, from the magistrate to the lowest of the rate-payers. While I calculate that this plan will have these advantages, I must say that to suppose that merely by machinery of this sort the people are to be saved at once from the state of destitution in which they now are, is quite unreasonable. In order to effect this, we must look forward to having the means of employment in Ireland, and having some vent in emigration, in order to relieve the country during the state of transition. Let it not be supposed that I believe, when I speak of emigration, that the present eight millions of inhabitants living in Ireland may not be very well sustained, and sustained with good and sufficient means, by the soil of Ireland, but I belive that hitherto, with the means of so doing, a practice has prevailed, and still prevails, which will render it unlikely that this operation should have a successful result without some collateral sources for easing the country of her superabundant population. As to the nature of the public works to be engaged upon, that is a point which I will not discuss now. It appears to me that there are various means open for the application of the labour of the poorer classes which might lead to the happiest result; but at the same time they should be adopted with great judgment and sound discretion. I think that with care and attention we may find materials for public works of such a nature, which, whilst they serve the temporary purpose of employing the time of the indigent, may be the means of opening new sources of industry, and for the profitable investment of capital in Ireland. The opening of improved communications between different districts, for instance, and the improving of bogs and ditches, are questions well worthy of the application of labour and the investment of capital. This, however, as I said before, is a branch of the subject upon which I will not enter at present. It may be remarked that there is no great quantity of capital in Ireland available for such purposes as I have mentioned, but it should be recollected that if we provide means by which a feeling of security, which does not exist at present, may be promoted amongst the owners of property, capital will immediately begin to flow in for investment. I have now to say a few words in reference to emigration, in connexion with the subject before the House. I know there are some who entertain notions upon this subject far beyond those which I am inclined to adopt, in favour of an enlarged system of emigration. It is a scheme entertained by some, that one or two millions of our poor population might be exported to our colonies, and immediately find means of support in the new field of employment there opened to them. Now, putting aside all other difficulties which may be in the way of this desired result, and viewing the attempt merely in respect to the effect of such a proceeding upon the colonists, I think that the ferment created amongst them would be so great as to throw hopeless impediments in the way. It would at once be supposed by them that we were sending in amongst them a vast quantity of our useless population, paupers who conferred no benefit upon the country they were exported from, and, therefore, as they would argue, likely to prove an evil instead of a source of benefit and productiveness to the new soil in which they were to be placed. I know that there is a very great feeling of this kind already prevent in our colonies, and in some even it has been thought desirable to exercise a sort of control as to the class of emigrants which should be admitted. Such a plan has recently been recommended to the Colonial-office, and I hope it will be persevered in, particularly not to give large tracts of land indiscriminately to parties proposing to emigrate, at the eminent risk of their not being properly cultivated, and the parties themselves not benefitted by their possession; but to sell the land at what might be considered a fair and good price to persons who, by showing themselves ready to advance a little money upon it, gave the best possible earnest of their intention and ability to improve and render it productive. In one colony alone, that of New South Wales, the sale of lands in this way, during the past year, has amounted to 100,000*l.* and this sum might be employed with success in the conveyance of emigrants. I am aware also that a notion used to be prevalent that persons sent out in this way from amongst the poorer classes of Irish were not of a description to be very desirable or useful to employers; but I am convinced that this feeling of prejudice or jealousy will not long interfere in the way of there employment when it is found that their are many emigrants from Ireland willing and able to cultivate the lands of those who may hire them. With regard to this subject I may state, therefore, that it will be proposed that there shall be an emigration station at the different sea-ports of Ireland, and that the persons proposing to emigrate, having raised a sufficient sum for that purpose, should inform the agent, who would send them to the sea-port, where a ship, to be provided by the agent, should be ready to convey them. The Government will pay the expenses of the agent, and also provide some proper officer for the command of the emigrants. By means of these precautions the colonists will be certified that the persons brought amongst them are proper persons for the purpose, and not merely paupers driven away to prevent them from starving in their native land. This is a plan which, if adopted, does of course not contemplate any vast number of persons being sent away together; but it will at the same time afford a vent by which a redundant population—and particularly those who cannot find adequate employment at home may seek it with facility elsewhere. In establishing a system of Poor-laws for Ireland it appears to me that we must look upon these two subjects—public works and emigration—as means for co-operating with, and perfecting any, such an enactment. We should look also to the general improvement which, we are informed on all hands, is going on in Ireland and we shall find much to hope for in the accomplishment of these objects. If, on the other hand, the whole state and condition of the country were going backward —if the whole revenues of the country were diminishing—there would then, indeed, be some difficulty in such a plan as that I now suggest; but considering, as I do, the whole country to be in the way of improvement, I think there is much to hope for from the plan, and every reason for its adoption. It is proper, however, that the House should understand, that what I have stated in regard to public works and emigration, bears no direct reference to the measure which I now hope to introduce. These subjects form no part of my present object, which is strictly to carry a Poor-law Act for Ireland. They are subjects, therefore, which I merely touch upon now as worthy of consideration as future resources, in co-operation with the measure I now propose. I would observe also, that I do not consider that these are branches of the subject in which the Poor-law guardians could properly be employed. I do not think it would be safe to intrust them with the management of public works and emigration, in addition to the labour and duties of their immediate department, although, at the same time, I think they may be made very useful in diffusing information on the subject. There is one other question collateral to this matter, which, before I sit down, I wish very briefly to touch upon. The Poor-law Commissioners for England, in the end of their Report, make use of the following observations:—

> "It will be observed that the measures which we have suggested are intended to produce rather negative than positive effects; rather to remove the debasing influences to which a large portion of the labouring population is now subject, than to afford new means of prosperity and virtue. We are perfectly aware that for the general diffusion of right principles and habits, we are to look, not so much to any economic arrangement and regulations, as to the influence of a moral and religious education; and important evidence on the subject will be found throughout our appendix. But one great advantage of any measure which shall remove or diminish the evils of the present

system is, that it will in the same degree remove the obstacles which now impede the progress of instruction and intercept its results, and will afford a great scope to the operation of every instrument which may be employed for elevating the intellectual and moral condition of the poorer classes. We believe that if the funds now destined to the purposes of education, many of which are applied in a manner unsuited to the present wants of society, were wisely and economically employed, they would be sufficient to give all the assistance which can be prudently afforded by the State. As the subject is not within our commission we will not dwell on it further, and we have ventured on these few remarks only for the purpose of recording our conviction, that as soon as a good administration of the Poor-laws shall have rendered further improvement possible, the most important duty of the Legislature is to take measures to promote the religious and moral education of the labouring classes."

These are the words with which the Bishop of London, the Bishop of Chester, and Mr. Sturges Bourne, conclude their valuable observations on the Poor-laws of England and Wales; and if the remark is true in regard to England, it is doubly so, in my opinion, in respect to Ireland. I do not wish to enter now upon disputed points connected with this subject, but I have always heard it admitted, even by those who disapprove in general of the present system of national education pursued in Ireland, that it is proper and expedient that the Roman Catholics of Ireland should be educated; and whatever means are to be adopted for so doing, I think it should be such a system of education that the great mass of the people may look to it for improvement and instruction. In administering Poor-laws to Ireland, Parliament should keep this in view, that whatever is good for the moral condition of that country they should endeavour to promote, to extend, and to mature. Not only should we employ ourselves in relieving the indigent, in repressing outrage, and in establishing a feeling of general confidence in rich and poor by so doing, but we should endeavour also to sow the future seeds of virtuous habits, and heighten the character of the poorer classes of Ireland. We should endeavour to give them that wholesome education which will enable them to do their duty to their God and to man; which shall furnish them with motives and incitements to do so; which shall eradicate and destroy the false notions and views of morality which they had formerly entertained, as respects their state as subjects to the state, and as responsible and immortal creatures. Provided we are all agreed upon the advantages of such an education, and that all should have the benefit of it, let us endeavour to afford it by such means as shall not interfere with their religious opinions. I shall conclude, therefore, by observing, that whilst I look upon the law which I now propose to introduce as one likely to effect very great benefits for Ireland, I look still more strongly hereafter to the fruits of such a system of legislation as that I have briefly hinted at; and I am confident that legislators who shall accomplish such good for Ireland, will receive the reward of their own good opinion, and of the good opinion of the whole of the inhabitants of that country.

Mr. *Smith O'Brien* said, that as he had for many years paid some attention to the measure then before the House, he thought the House would permit him to make a few remarks. He would begin by congratulating the country on a time being at length arrived when the subject was formally considered. He concurred in much of the voluminous statement of the noble Lord, but there were some particulars on which he found himself obliged to differ from him. He thought, a preferable system might be adopted. The first point on which he differed from the noble Lord was, the mode of giving assistance in classes. It appeared to him, that two classes had been designated who were to receive relief; those were the impotent, and those who might be called able-bodied men, and that a different system was to be applied to each case. He thought it would be a great mistake to consider the aged widow, the helpless orphan, or the father of a family, who was reduced by circumstances over which he had no control, as guilty of a crime, and treated accordingly. The system proposed by the noble Lord did not seem to admit any of the kindlier feelings of human nature. There was not the least doubt that a small assistance at their homes would be more agreeable to the poor than a larger aid in a public establishment. In towns, he thought, asylums, or mendicity associations, would prove effectual; but, in the country, domiciliary relief would be most effectual and grateful. He considered the number of persons stated by the noble Lord as requiring relief far too small. He thought, that to name 160,000 persons would not be fixing the number too high, which was double the computation of the noble Lord. The number of workhouses also was too small. He considered that 320 was the least which could suffice to afford relief to the impotent poor of Ireland. As to the surplus labourers, he thought that the number had been much overrated by the Poor-law Commissioners. He thought, that where a population of surplus labourers was found burdensome, the best mode of affording relief would be by facilitating the means of emigration. The hon. Member for St. Alban's had published an able pamphlet on the subject by the principle of which, if well followed out, plenty of funds would be found from the sale of waste lands to supply all that was wanting to enable emigration to be carried out to a great extent. By that means able-bodied men could be disposed of. As to public works, there were waste lands enough in Ireland which required cultivation. On these, at all events, the poor could be employed. He doubted if that part of the measure would prove acceptable which made the whole of the administration to emanate from the Board of Commissioners in England, and not from a body fixed in Dublin. The Board in England could scarcely know the details on which they were to act, and they would be so fully occupied with their other functions, that they could not spare time to make minute inquiries. As to the rates, he did not think the noble Lord had fixed on the best plan. In the Bill which he had had the honour of proposing to the House last Session, he had fixed, that one-third was to be paid by the landlords, and that, he thought, would be nearer the mark than the noble Lord's plan. As to the plurality of votes. He would reserve his judgment until he was fully acquainted with the details of the noble Lord's proposed scheme. There was one point which he recommended earnestly to the consideration of the noble Lord. He meant the subject of medical charities. It was quite a matter of chance, at present, if medical relief was afforded to the poor in Ireland. They might or might not be established in different parts of Ireland. He hoped the noble Lord would make them an integral part of the Bill. He was sorry to detain the House, but the hints he had thrown out might not be found altogether useless.

Mr. *Shaw* had listened with much attention to the statement of the noble Lord. He would reserve for a future and more fitting occasion any lengthened observations he might think it necessary to make on the details of the measure; but he entirely agreed with the noble Lord, that the subject was one both important and difficult, and, at the same time, in the language of the Commissioner's speech, "pressing." Indeed, it was plain, that it could be no longer shrunk from; and all he could say was, and, he believed, in saying so, he represented the sentiments of the great body of the gentry and landed proprietors in Ireland, whom he had the honour to rank amongst his constituents, that he desired to approach this all-important and difficult question with a view to the maturest and most deliberate consideration of it, and without the least mixture of party animosity or political or personal prejudice. He thought that the noble Lord had scarcely appreciated the difficulties, either in principle or practice, of the application of the measure he proposed to the existing condition of Ireland. There was, undoubtedly, a danger in attempting to substitute charity by law for what might be called the law of charity, and superseding by legal enactment the kindlier feelings of benevolence —a risk of weakening the sources of human compassion, at the same time that we increased, rather than diminished, the claims of destitution and distress; but while he felt that there was much of abstract truth in these considerations, the extent and the intensity of existing misery in Ireland, and the peculiar relation between that country and this were such, that he considered the extension of some system of Poor-laws to Ireland could be no longer avoided; and that the principle question now was, how best to guard against abuse, and practically to administer the system in its most improved form in Ireland. In following the noble Lord through his opening speech, he felt disposed to concur with the noble Lord in thinking, that under the difficulties of the case, he had chosen the safest criterion of the objects of relief, when he decided that it should be extended to all the destitute, and to none but the destitute—so as to the workhouse system, that it could alone be attempted on the principle of in-door relief, for that the out-door system would inevitably absorb the whole source of independent labour. He was of opinion, too, with the noble Lord, that, if possible, the law of settlement, with all its incidental intricacies and endless litigation, should be altogether avoided; and with respect to the department under which the management of the whole should be placed, he (Mr. Shaw) thought the English Poor-law Commissioners the best, not only because the distinguished gentleman at the head of that Board was well acquainted with the circumstances of Ireland, and Mr. Nichols, another of the Commissioners, had recently visited that country, in connexion with the particular measure—but on more general grounds; the practical experience of the present Board—the unity of action throughout the entire system more likely to prevail—and the greater probability of freedom from local partialities and local influences, justly, he thought, recommended that arrangement to the Government. On other points, he found it not so easy to go with the noble Lord; he feared that the noble Lord underrated the demand which would immediately arise upon the funds on the score of pauperism; also, that of finding guardians to be elected by the rate-payers, and well qualified for the important duties which would devolve upon them, and that it would be impossible to diminish, as compared with the English system, the proportion of *ex-officio* guardians. With regard to the Unions, he anticipated much inconvenience, and some objection upon principle, to removing the old ecclesiastical and parish boundaries; these, however, were matters of detail, which would be more properly referred to in a future stage of the Bill; but there was one more which he could not pass by, where he apprehended the noble Lord would find his greatest difficulty, he meant that which related to the *rating*. The noble Lord, as he collected from his remarks, intended that one-half of the rate was to be paid by the occupier, and the other half by all that were in the character of landlords, from the occupier up to what in the Tithe Bill was called, the first estate of inheritance—according to their respective interests; but, from what little experience he had had on that subject, he could assure the noble Lord, that the scale was one with a great number of, and very unequal gradations—and that it was no easy matter to arrive at the top of it. He perfectly concurred in the principle asserted by the noble Lord, that a sound, moral, and religious education would be the best aid to any system of Poor-laws in Ireland. He feared that he and the noble Lord differed very largely as to the best means of promoting that; but he was persuaded, that a sound religious education could alone afford the necessary moral checks to a redundant population, and lead to a real and lasting improvement in the prudential habits and general character of the people. He rejoiced, however, that the noble Lord (Lord John Russell) had acceded to the proposition of the noble Lord (Lord Stanley) of getting a Committee to inquire into "the working of the system of the National Education Board in Ireland;" and he trusted much good would result from that inquiry. Finally, he agreed with the noble Lord, that every project for the improvement of Ireland must fail, unless first you could obtain security for person and property in that country; and if the noble Lord and his Majesty's Ministers would direct their attention to well-considered measures for the improvement of Ireland, instead of diverting the public mind from the real causes of its evils and its miseries by abstract questions of non-existing surpluses, and supposed identity of principles of Government, without regard to the actual circumstances of that country, they would find the Irish Members at his side of the House as well inclined to lend them their best assistance as he had no doubt they would prove on the present occasion. He would not then allude to the ancillary measures touched upon by the noble Lord, such as the drainage of bogs, the reclamation of waste lands, and other works of public and national interest, including the very important object of a well-regulated emigration—he trusted these would all go hand in hand with the present measure; but, and without trespassing further on the House, he would conclude as he had commenced, by expressing his conviction that the landed proprietary of Ireland would be found willing to bear their just share both of the expense and the labour, as regarded its local machinery, of giving a full and a fair trial to that great experiment, which in all sincerity, he trusted would issue in the improved peace, good order, and civilization, of that portion of the united kingdom.

Mr. *Denis O'Connor* expressed his concurrence in the observations of the right hon. Gentleman who had just sat down. He also acquiesced in the suggestion that on the first announcement of the Bill for the introduction of Poor-laws into Ireland, the House should abstain from prematurely discussing the details of the Bill, satisfied with the recognition of the principle which it involved. For the recognition of that principle he had ever voted since first he had the honour of a seat in that House. But while he trusted that no unnecessary delays should interpose between the introduction of the Bill and its passing into a law, he also hoped that it would not be precipitated through the House; but that on a question of such vast importance, ample time might be allowed to Members and to the people of Ireland to weigh the provisions of the Bill, and their applicability to that country. He knew that, with respect to the expediency of introducing any system of Poor-laws into it, there existed among the most influential, the most intelligent, and, he would add, the best intentioned, a singular diversity of opinion; and he felt bound to state, that few years had elapsed since the grand jury of that county which he had the honour to represent, deprecated in the strongest terms the infliction upon Ireland of any system of Poor-laws, and stated their conviction that it would absorb the whole rental of that kingdom. He felt, however, that they argued from the abuse of Poor-laws in England against the use of them in Ireland, and that they were deterred by their apprehension of jobbing—which was but too common in Ireland—from legislating at all. Having stated this, he thought it right to say, that in his opinion the hostility to Poor-laws was considerably mitigated, and that many who were most opposed to them until lately, were becoming converts to their necessity. If any doubt upon the subject existed in his mind, the reports of the commissioners would impress upon him the melancholy conviction that some legal assessment for the poor could no longer be withheld. The report stated, that there were 2,300,000 human beings reduced many months in the year to a state approaching starvation. He admitted that, in his opinion, that statement was exaggerated; but let them make what deduction they might, there would still remain an appalling residue of human misery to deal with. It appeared that there were districts in Ireland visited with periodical inflictions of famine; that thousands supported themselves upon the smallest quantity of the worst description of food; and that if there was the least deficiency of it, there was no step between them and starvation; that hundreds wandered over the country in idleness and mendicancy, supported by that poor law, (for there was then a poor-law for Ireland) the poor-law of sympathy, which makes the poor Irish peasant share to the last potato with those scarcely poorer than himself, not knowing what moment he might be thrown himself upon the world. He was glad to hear that the Government were desirous of transferring the Poor-law from the poor to the rich, and to make the wealthy landed proprietors contribute to the maintenance of the distressed. He was convinced they would do so willingly, for they would find it their interest to do so. Their own properties would be enhanced in value by peace in the country. Now, the disturbance in Ireland but too frequently arose from the frightful competition for land in a country; where the poor man felt that there was no support for himself and his family but from some little spot of land, for that he offered what it was impossible for him to pay. He clung to it with the desperate tenacity of a drowning man holding a plank to save himself from death—the moment he lets go his hold other competitors are ready to seize it at any hazard. It appeared that of agrarian disturbances a vast number of them were connected with this competition for land. The Government made no laws such as humanity could dictate for the benefit of the people. The people made agrarian laws for themselves—they wrote them in characters of blood, but it always appeared that their cruelties were directed, not against individuals, but against their imputed crimes. It appeared that their actions were connived at, and there must be something most defective in that state of society, where it is known that people conspire to commit murder upon principle, and not from feelings of revenge. That a system of Poor-laws might correct some of the evils of that vicious state of society he believed, but it should be accompanied by other measures of benefit to the country. Ireland has been the victim of tardy legislation—concessions were denied until they could no longer be withheld, and the state of the poor was neglected until the country could neither bear the evil nor the remedy. The accompanying measures of benefit to Ireland, public works, emigration, &c., had been alluded to, but discussion on them deprecated. He would not now comment on them, but he felt their absolute necessity. He also sincerely concurred in the necessity of elevating the moral character of the people by education. He thanked the Government for turning their attention to these subjects, and trusted that the result would be the amelioration of the condition of the Irish people.

Mr. *O'Connell* wished to know from the noble Lord what were the regulations which he proposed with regard to workhouses, and the maintenance of their inmates. If he understood the noble Lord rightly, there was to be a certain number, four or five, poorhouses at the commencement, but he did not understand precisely how the funds were to be raised for erecting and maintaining them, and who were to have claims for admission.

Lord *John Russell* said, it was proposed that at the commencement there should be from ten to fifteen poor-houses, and that all persons applying for relief in the district should be admitted, but the commissioners and a board of guardians were to direct how far the relief was to be extended. There was to be no exclusion of any persons, and the poor were to be supported in the workhouses from rates levied on the occupiers and landlords in the district.

Mr. *O'Connell* was to understand, then, that certain persons in a district were to be exclusively taxed or rated, and that poor persons coming from any part of Ireland were to have the right of claiming relief from the exclusively taxed. Next, what was the fund from which the 700,000*l.* was to be raised?

Lord *John Russell* said, the sum was to be raised by loan on the general taxes, and paid by instalments.

Mr. *O'Connell* next inquired if, after 100 workhouses had been erected, there were to be any law of settlement; and if that were to be a parochial or district settlement?

Lord *John Russell* said, that was a point to be discussed at a future stage of the measure.

Mr. *O'Connell* asked, if he were to understand that a certain district was to be taken, and all persons coming into that district were to have the power of claiming relief?

Lord *John Russell*: Yes.

Mr. *O'Connell* understood that the experiment would be commenced in certain districts, leaving to all that might come to them the power of claiming relief. He confessed he could not yield to the hopes which the noble Lord had thrown out as to the good results that might arise from that principle; but he, at the same time, felt it to be the duty of every Member in the House to assist in carrying the noble Lord's plan into effect. The Government having once announced their plan, he conceived it would be impossible, and he was sure it would be improper, to impede the course of experiment which they proposed to make. He, therefore, cheerfully acceded to the proposed plan, and would assist in any way he could in working out its details, so as to make them, if possible, practically useful. He was very much afraid, however, that such attempt would be attended with great difficulty. The noble Lord knew this, that if Ireland were to be divided into 100 districts, to have a similar number of poor-houses established, and that in each of these poor-houses the maximum number of inmates was to be 800, that for the entire country that would only give relief to 80,000 destitute persons. Upon what foundation was it, he would ask, that the noble Lord had calculated they would be so few in number? The noble Lord had gone on to state, that he expected he would have but one-half, or probably one-third, that number. For his own part, he looked upon it as utterly impossible that there would be so few a number of claimants for relief. As to the 300,000*l.* a-year, if it were but to afford the smallest prospect of making a provision for the poor of Ireland, he would not hesitate one moment in voting that it should be levied; but the sum was so comparatively small with reference to the amount of pauperism, that he considered it totally inadequate to meet the evil. It had been calculated that 565,000 heads of families were in a state of destitution in Ireland. That was not exactly a calculation, it was a summing-up from each locality. In each locality they had evidence of the quantity of destitution that existed in it. And now let any man look over that evidence, and see whether it were probable that the Commissioners had made exaggerated statements in their report. He had seen it, and found that it contained the evidence of clergymen of both persuasions, of farmers, of country gentlemen, and of the paupers themselves, all of whom furnished the facts and their data, of which the result proved to be this number of heads of families. And yet the plan of the noble Lord went only to the maximum of 80,000 individuals. He did not think they should rely upon the testimony of Mr. Nicholls, while they had such evidence as this before them. He would, however, vote for the Bill in all its stages, but should feel it his duty to suggest some alterations and additions when in Committee. The principle of the plan was, that it should be brought gradually into operation, and to that he objected. It seemed to him that they would thereby create a state of transition, during which neither relief nor charity, neither relief from poor-houses, nor alms from private hands, would be afforded to the suffering population of the country: thus, while it professed to be a measure calculated to prevent disturbance, by giving district relief, it would prove to be the direct and immediate cause of disturbance in the neighbourhood. If destitution were relieved in one district, it would put in motion all the neighbouring destitution, and they would thus create an immediate excitement, by the fact of those persons who should not be relieved complaining of the injustice of relieving others and not them. They would also, by this partial application of relief, take away the disposition, at present existing amongst the poorer classes, of supporting utter destitution. That man knew very little of Ireland who would tell him that such a plan could tranquillise Ireland. On the contrary, refusals to just claims for relief would inevitably lead to disturbance. It had been shown to demonstration that there was no population on the face of the earth amongst whom the kindly sentiments of affection between parents and children, fathers and mothers, brothers and sisters, and between the poor labouring creatures of the country in giving support to their near relations, were cherished with greater pride than amongst the population of Ireland. In passing any Poor-law, therefore, for that country, he would caution them against removing any incitement of this kind. Indeed, he would go so far as to say that they should not introduce any measure which would tend to mitigate the feelings he had described. It had been shown, over and over again, that there was no reproach from which a young man would shrink with greater shame than that which he would feel upon being told, "Oh, you're the fellow who has let his mother out of doors—you are the man who has ill-treated his father." That feeling existed in the country at present; and he would advise them not to establish the state of transition to which he alluded, unless they were determined to put down that feeling altogether. If they were desirous of preventing disturbance, they should carry the plan into effect immediately and entirely. He wanted to have it carried into effect at once. Divide the country as they would, into ten or fifteen districts, or into counties, or half-counties; but let there not be an intervening period between the application of relief in different parts of the country. He was glad to find that the noble Lord had entirely thrown overboard the notion that any person was to be employed out of these poor-houses. The favoured phantasy of poor-rate mongers was, that the rate was to be one out of which men were to be employed; but the noble Lord had distinctly shown, by the result of all evidence, that the idea of employing men out of a poor-rate should be banished altogether. It was, therefore, impossible that the notion could be entertained that this measure was to accomplish that purpose. It had been often admitted that Ireland was a country capable of two or three times its present cultivation; but there was no part of Ireland, in fact, which was not capable of being cultivated to a degree ten times more productive than it now was. There was at least one-fourth of it waste land, which had never been broken up, and which was quite capable of cultivation. And that was a country so circumstanced, that although labour ought to be productive, and individual interests constantly in action to make it so, yet there was something so diseased in its condition that they had not the power to render it productive, and what they now suggested was, that a country unable to give employment to its labourers should be made to feed them in idleness within the walls of a poor-house. A poor-rate was not an increase of wealth; it was only another division of wealth, taken away from employers or labourers, to be used in feeding persons confined in idleness. The work-house system appeared to work exceedingly well in England, but they had seen upon evidence that the work imposed under the poor-law upon the idle population was only a kind of slave labour, in order to drive them to seek for employment. But see how that principle would act in Ireland. The laborious classes there were anxious to procure employment They never refused it; they, in fact, worked for 2*d.* and 3*d.* a-day rather than be idle. He was sure he need not appeal to English Gentlemen to prove that Irishmen were always ready for labour, when they found them coming from the remotest parts of Ireland, from Mayo and Sligo, in some hundreds of thousands, and making their way through Dublin and Liverpool on to Kent in order to procure the earnings of five or six weeks' labour. There was no necessity, therefore, for poor-houses in Ireland in order to stimulate its labouring population to look for work; but there would be that necessity when once they became the only disposers of Irish charity and turned the sources of Irish benevolence into the public channel. That would be an additional way of getting rid of the plough, while they could not leave at large those persons hitherto supported by private contributions. It was utterly impossible, however, to prevent the experiment being made, and they should see what were the best terms upon which to make it. The noble Lord had talked of a rate to be levied on persons having houses or land above the value of 5*l.* a-year. It was to go down to that—5*l.* a-year was to be exempt; but he should like to know what exemption that would be to the tenant. If he possessed a lease he might have, but if he did not, he certainly would not have, any great security that he would not have to pay the rate. He would submit to the noble Lord that it would be infinitely better to simplify the rate and make it upon the rent. However the proposition might be received there, it certainly was not likely to be received in what was called "another place"; but he would nevertheless propose that those who held property without residence in the country should pay a double rate. There was no resident gentleman in Ireland who did not employ a number of the people on wages. Their personal occupation of the land rendered that employment, in many instances, necessary. But the non-resident did not give employment to any except those engaged to make up the landlord's rent. It was the working classes that were destitute, and he did say, upon the principle of justice and fairness, that the man who held estates in Ireland and thought fit to have his place of residence elsewhere, and thus took away his moral influence from over the minds of the people, and the advantage to be derived from his presence, ought to pay a higher rate than those who by residing on their estates necessarily gave employment to a portion of the labouring population. They should not forget either, that by that very employment, they paid an additional rate, inasmuch as in nine cases out of ten it was not productive of an equivalent amount of benefit. That was another reason why the absentee should be made to pay a higher rate. He would instance the case of Mr. Smith, a gentleman residing near Youghal, who differed from him in politics, but to whose good qualities he readily bore testimony: that gentleman gave continual employment to 700 or 800 persons on his estate, although it could not be said he required the labour of anything like so many. He was thus virtually paying a heavy poor-rate at present. Indeed, he could safely say, there was not a resident gentleman in Ireland who did not expend a very substantial portion of his income on labour; so that if a poor-rate were to be levied, they would be paying both ways. Lord Clare, when speaking of Ireland, had said, that it had been three times forfeited, and he did not know of an estate which had not been originally derived in that way. The successful conquerors of the country had, in three distinct conquests, dispossessed the occupiers of the soil, and having done so, repaired to their estates in England, upon which they resided, but had continued owners of nine-tenths of the soil of Ireland ever since. The destitution which existed there was mainly owing to that circumstance. The income of the country had never accumulated, and could not, under the present order of things. When the question of rate should be brought forward, he should, therefore, divide the House, if necessary, upon his proposition for laying a higher rate on absentees. Many were of opinion that a poor-rate in Ireland would relieve the English labourer, by keeping the Irish labourer at home. There never was a greater mistake. The first thing they would do in Ireland would be to send as many unmarried men to England as they could; and if a man had a family, would it not be much better for him to go there also, when his family could be easily supported at home by the poor-rate? He would thus underwork the English labourer; so that instead of keeping the Irish labourer at home, a poor law, he contended, would have the opposite effect. The noble Lord had said, that it was pauperism that created the competition for land. That he denied: it was created by a class of persons much beyond them. The only manufacture in Ireland (for so he called it) was that of the land, being the most productive of industry; the consequence of which was, that whatever local capital there existed was at once placed in the acquisition of land; and if they were to take away the 2,300,000 paupers out of the market, he would warrant it there would not be the slightest diminution in the competition for land. The hon. Member for Roscommon had recommended that they should not proceed quickly with this measure. Now his opinion was, that the sooner they carried it into effect the better. They had now opened the question—if it could be realised, they should realise it as soon and as extensively as possible, for by only holding out a hope they would deprive those whom they sought to benefit of that support which they at present depended on and received from the sympathy, the affection, and the kindness of their friends and relatives. He did implore of them to put their hands to work at once and completely. Let them work from day to day, and have some scheme carried into effect without delay; let them not talk to him of ten or fifteen workhouses, but let them build one hundred at once. He would also implore of them to think again upon the subject of emigration. The colonies, it was said, liked it. To be sure they did, because there was no man amongst them who had not jobbed to advantage upon the labour of the emigrants; and why could not they, themselves, succeed? In the sale of lands this year in New South Wales they had realised 100,000*l*. It was the capital of labour upon which the jobbing he alluded to had been carried on. Now, they could produce a labouring population who by their own industry would soon have a capital to purchase land. It was only in this way he would recommend the principle of emigration. He thought the report of last year on the subject ought to be most deliberately considered by the House. If the principle he spoke of were put into execution at once, it would afford great relief, and there would be no difficulty in it if an Act of Parliament were passed resting those lands—he did not speak of the Canadas, but other colonies—in a board of management. There would not be the least difficulty in raising money. The Government should certainly give security, but then they could very safely do so. If they could in this way create emigration to the extent of 50,000 or 100,000 persons now in a state of destitution, and at the same time build workhouses as proposed, they would give a stimulus to the people to relieve the inert mass of pauperism at present existing in Ireland, and they would also afford a prospect of entering upon a Poor-law with a better hope of its being efficient, but efficient or not, a Poor-law they must have, and he would, in all its stages, support the Bill.

Viscount *Howick* was exceedingly happy to find, upon a subject of this kind, so complete an avoidance of all irritation of party politics. He cordially concurred in this great attempt to mitigate the evils with which Ireland was at present afflicted, and he rejoiced, that the hon. and learned Gentleman who had just sat down, like those who preceded him, had expressed his intention of contributing as far as lay in his power to the success of this measure; at the same time he was anxious to remove from the mind of that hon. and learned Member, and if he could from the minds of other hon. Members, the apprehension which they entertained, that the proposed attempt was one of greater difficulty, and one which held out less prospects of success than his noble Friend (Lord John Russell) had anticipated. He was aware, that at the first sight of the evils they had to contend with, they seemed of so very rash a kind, that the remedies they proposed to meet them might not unnaturally appear disproportioned to them. He agreed with the hon. and learned Member for Kilkenny, that supposing the amount of destitution which now prevailed in Ireland were to continue, the workhouses proposed would be utterly inefficient for the purposes professed. But what were the causes of the destitution and distress now unhappily prevailing in Ireland? The hon. and learned Gentleman had said, and said truly, that the Irish are an industrious people. It was well known to all the House, that when labour, which failed in its supply in Ireland, was offered them in this country, they came over in shoals, manifesting the strongest desire to maintain themselves by honest industry. It had been proved before the Emigration Committee, which sat in 1827, that the Mendicity Society in this town had given up allowing *6d.* a-day for Irish labour, inasmuch as even this low amount of wages was found to bring over to this country persons desirous of employment. This was a striking proof of the industrious habits of the Irish population. That, therefore, being indisputably established, what was the next point for the consideration of the Legislature? Was Ireland wanting in natural resources? Far from it. The hon. and learned Gentleman had told the House, that there was no one part of Ireland which could not be improved by skill, labour, and the application of capital, and be made ten times as productive as it was at present; and further, that one-fourth of the whole surface of the country remained unimproved. Thus, then, were established two important points—first, that there was in Ireland an abundance of labour; and, secondly, an ample field for its beneficial employment. It was true, that in Ireland there was a deficiency of capital. On that subject he could not help observing, that in this country there existed no such deficiency; but, on the contrary, where any scheme presenting even a plausible chance of success was started, millions of English capital were ready to be invested; indeed, no doubt could be entertained, that millions of English capital had lavishly been applied to speculations, both at home and abroad, presenting very remote chances of benefit or success. Why, then, was it that Ireland, possessing natural resources, a wide field for improvement, and an abundance of labour, should still be without the means of improvement and employment? It was as his noble Friend (Lord John Russell) had stated, from the very able report of Mr. Nichols, to be attributed to a vicious system having been established in that country, a disposition in the people to turbulence and violence from existing causes, which it was the duty of the Legislature to endeavour to remove. Any man who had inquired into the subject must know, that the great mass of the disturbances in Ireland arose from what properly might be called the instinct of self-preservation. There existed in Ireland a permanent conspiracy on the part of the people of Ireland to enforce certain regulations for their self-preservation—they refused to permit the landlords to dispossess their tenants, the masters to dismiss their servants, — and they enforced these prohibitions in a manner which led to dreadful and not unfrequently sanguinary results. Now, those hon. Members who had read a very able work, published last year, by Mr. George Lewis, on the subject of Irish disturbances, will have seen a most able analysis of the causes of this state of things; they will have found, that it was the dread of absolute starvation, of perishing from hunger, was the main cause from which prevailing disturbances in Ireland arose. If that were so, he would ask the hon. and learned Member for Kilkenny, whether it did not follow, that what the Government and the Legislature ought to do was, not perhaps permanently to provide for the poor, but at least to step in and arrest the chances of the causes of disturbance, which, in continued succession, have perpetuated each other. They had, then, to take away from the people of Ireland the prevailing feeling of insecurity in the means of subsistence, and by removing these feelings they would put an end to the disposition to turbulence and outrage. That done, no man could doubt but that the result would be that English capital would flow with abundance into Ireland to take advantage of the cheap labour and other means of improvement, and the employment of capital which that country so amply afforded. This being the case, he contended, that they might calculate upon good effects even by the erection of a comparatively small number of workhouses, because it was not the actual relief given that would keep the people in a state of tranquillity, but it would be the certainty they would feel, that if a necessity should unfortunately arise, relief was there to be obtained. Some proof, that such would be the case was afforded by the state of things now existing in some of the most pauperised districts of the southern counties of England, that under the new system the number of in-door paupers was less than one per cent on the whole population of those parishes. The hon. and learned Member for Kilkenny had said, that workhouses in this country were of use, because, by means of them, the idle and indolent were stimulated to habits of industry. But, it seemed to him, that the hon. and learned Member for Kilkenny had overlooked one other result, arising from the system of workhouse relief as now established—namely, the security it afforded to those who really wanted and stood in need of relief. The advantages of the system were twofold—first, the certainty of relief to those who had real claims; and, on the other hand, there was the moral certainty, that unless relief were really wanted, it would not be claimed. He thought, then, that in creating workhouses in Ireland, that the House need not look to the reception of any considerable number of inmates; in his opinion, it would ultimately be found, that the number received into them would be considerably smaller than the numbers in the workhouses of this country; because the hon. and learned Member for Kilkenny had truly said the affections of parent to child, and child to parent, were remarkably strong amongst the poor classes of the Irish population. Unlike the southern districts of England, where a vicious system of relief formerly prevailed, the misery and destitution to which the Irish peasantry had long been exposed had not interfered with or destroyed their natural affections, and he felt confident, that in Ireland, where those feelings and affections remained in all their original force and vigour, a great disposition would prevail amongst its labouring population to prevent their relations and connexions from taking refuge, unless in some time of great distress and destitution, in the proposed asylums; indeed he felt satisfied the Irish people would make considerable personal sacrifices to exempt their needy and distressed connexions from so painful a necessity, and he was sanguine in the belief, that eventually a much smaller proportion of poor would be found in the workhouses of Ireland than were to be found in those of some of the southern counties of England. His own firm conviction further was, that on the passing the proposed Bill it would be necessary to assist its originally coming into operation in the manner which had been mentioned and pointed out by his noble Friend near him (Lord J. Russell). On the subject of emigration he quite agreed with the hon. and learned Member for Kilkenny, that every facility for affecting and assisting it should be afforded, but he was equally convinced, that the Government and the Legislature would do well to keep that subject perfectly distinct and separate from the Bill now proposed. He was satisfied, that if the course suggested by the hon. Member for Limerick (Mr. S. O'Brien) were adopted, and that emigration was made a part of the present measure, expectations would be raised in the minds of the people of Ireland, that Government was prepared to take that charge upon themselves; and such a course, so far from doing any good, would be productive of very serious injury. Emigration was now going on to a very considerable extent, as would be seen from the returns which he had obtained of the emigration from Ireland, during the last year. From those returns he found there had emigrated from the ports of Ireland during the last year, no less than 23,867 persons. He found also, that, exclusive of minor ports in England, there had sailed from the port of Liverpool, 29,100 emigrants; from the port of Bristol, 1,034. Of these, from all the accounts which had reached him from Glasgow and other minor ports of Great Britain, he might safely assume, that nearly one half were Irish emigrants, and therefore it might be supposed, that last year not less than 39,000 Irish left the land of their birth and emigrated to America.

Mr. *O'Connell* was understood to remark, that these great numbers might be attributed to the demand for labour, which was created by the destructive fire at New York.

Viscount *Howick*, such might have been the case, but then it could not be lost sight of, that in the previous year the existence of the cholera at Quebec and Montreal in 1832 created a panic which had tended much to diminish the extent of emigration, and therefore the state of things which existed prior to 1832 was only returned to in 1836. Now, if under this Bill the public should take upon themselves the task and charge of removing emigrants to the colonies, he believed that all those who now emigrated voluntarily and at their own expense, would immediately throw themselves on the public. It would, in short, be a species of out-door relief, which would give occasion to all sorts of abuses. He was sure that the hon. and learned Member for Kilkenny had frequently heard of the fact, that on the return of Irish labourers visiting this country during the harvest, one of the party would carry back all the earnings of the rest, who then required to be and were passed home as paupers at the expense of this country. In like manner would they claim the means of emigration, if the proposition suggested was adopted. He had only one further observation to make, and that referred to what had fallen from the hon. and learned Member for Kilkenny with reference to the gradual introduction of the proposed measure. The hon. and learned Gentleman did not seem to have understood the observations which had been made on the point by his noble Friend who had this night brought forward the subject. He begged to say that the Bill was a complete and entire measure, and its introduction into Ireland would be gradual in the same manner as the recent change in the Poor-law system had been brought into operation in this country—namely, that they would begin by the creation of a certain number of unions and the erection of a certain number of workhouses, and then proceed in the remaining districts of the country. By these means he certainly thought a fair trial of the measure would be obtained, and a favourable test of the soundness of the principles of the measure would be thus afforded. With regard to the law of settlements, it would be impossible now to establish it; still he had no doubt but that practically the boards of guardians would, in the exercise of the discretion with which they under this Bill would be invested, give relief to all those claimants who were really and *bonâ fide* inhabitants of their districts, without reference to the nice legal definitions of what constituted a strict settlement. If his anticipations of the effects of this measure were correct, he was entitled confidently to look forward to find at no very distant period, that in any part of Ireland a really destitute and distressed person would be entitled to relief. In conclusion he would say, that by removing the causes of turbulence, Ireland would be brought to a state of peace, happiness, and prosperity, from one of want, distress, and destitution.

Sir *Robert Peel* said, it was exceedingly agreeable to discuss a question connected with the best interests of Ireland in which there was no party feeling present. He thought the House and the country were under great obligations to his Majesty's Government for making a definite proposal. So much time, indeed, had been expended in inquiry into the subject, that a proposal for any new inquiry would be tantamount to the admission that that inquiry was of no avail, and that the prosecution of a scheme of Poor-laws for Ireland was hopeless. He believed that the extent of public feeling with respect to the justice and expediency of introducing a system of poor-laws into Ireland, without entailing upon them the evils which had pervaded our own system, but introducing a modified code, was so strong, that it was impossible for the Legislature to refuse to consider the question. He thought, therefore, that they were bound to labour for this purpose. At the same time, if they did feel an interest, as he believed all did, in the welfare of Ireland, they were equally bound to take every precaution that, in acting on a principle of benevolence, they should not visit Ireland with the grievances which they had originally suffered from the former system of Poor-laws in this country. The noble Lord had referred to those measures which he considered auxiliary to the introduction of a system of Poor-laws in Ireland, and from which he anticipated considerable aid; such, for instance, as the affording facilities to emigration, and the undertaking of public works by means advanced from the public funds, for the purpose of creating employment for the able-bodied poor. He was bound to say, that he thought they ought not to be too sanguine in their expectations of relief to be obtained from these sources. He entirely concurred with the noble Lord in the opinion that every facility ought to be given to voluntary emigration; but, at the same time, he thought it of the utmost importance, that the disposal of lands in the colonies should be put on a totally new footing; and that the Government ought not so much to seek a revenue from the disposal of those lands, as to enable parties disposed to purchase, to do so on very reasonable terms. In the next place, he thought that, considering that the lands to be disposed of were situated within some particular colony, the first and chief object the Government should have in view, should be the benefit of that colony. When that was secured, they might adopt any measure that seemed most expedient or most practicable to produce improvement at home. But he very much doubted whether any benefit derived from the best conducted system of emigration would materially aid in the great object of finding employment for the poor of Ireland, or of diminishing, in any sensible degree, the excess of the supply over the demand for labour. The hon. and learned Gentleman, the Member for Dublin, had asked in the course of his speech, why the Government, in the case of Ireland, did not follow the example of the United States? "See," said the hon. and learned Gentleman, "how widely extensive and wonderfully beneficial is the system of emigration acted upon in the United States of America." No doubt many and great benefits resulted from the system in that country; but it must never be forgotten, that the question of emigration was here vastly different to what it was in America. There the emigration consisted only of a removal from one part of a great continent to another; here no emigration could take place except by a long passage over sea, attended with many expenses, much inconvenience, and the depressing notion of a complete separation and alienatio from the land of one's fathers. Observe, too, in our colonies the difference of language, manners, climate, and quality of the soil. All these afforded, in England and Ireland, obstructions to extensive emigration — obstructions not known in the United States. At the same time, he thought that every encouragement should be given to voluntary emigration; he did not believe that any forced emigration would be found of service. Forced emigration, to be advantageous, could only be applied on this principle—that no man should obtain relief or assistance unless he consented to leave his country and to settle in one of the colonies. He did not think that a fit principle to be adopted. At the same time, he entirely concurred with those who were for giving every facility to voluntary emigration. He came next to the subject of public works. It was customary for them all in that House to hail with the utmost satisfaction any proposal for the undertaking of public works in Ireland; and yet the hon. Gentleman who spoke so much in favour of public works was one of those who, in the course of the same speech, would protest against providing in any way for the relief of the poor by the introduction of a system of poor-laws. In both cases, what was the main principle involved? The principle of an interference with the natural demand for labour—the principle of taking money out of a man's pocket for the purpose of employing it in a manner, and for objects in which he felt no interest, instead of leaving it in his pocket to be employed in such a manner as to him should seem to be most advantageous, and for objects in which he felt a direct interest. He, therefore, was not much disposed to vote millions of the public money for the mere purpose of giving employment in public works; because in a tranquil country, and in a well-organised state of society, he believed all the employment that could be usefully applied, would be given by means of private enterprise and exertion. At the same time, if it could be shown, that by the employment of public money in public works, the foundation of great public improvements would be laid, which could never be obtained without it, then he admitted that a case would be made out for the interference of the Government, and for taxing the people to give employment to the poor. But he was of opinion that public works, undertaken only for the purpose of affording temporary relief to a people suffering from general want of employment, tended only to aggravate the evil they were intended to obviate. It was, besides, unfair to the people employed, because it held out to them a hope that the employment would be permanent, while it was only intended that it should be temporary. Upon the question of public works, there were always two important points to be considered—first, that the work proposed to be undertaken could not be accomplished by individual enterprise—second, that great public benefit would be derived from it. Any aid that the noble Lord (Lord John Russell) expected to derive from the undertaking of public works ought to rest upon those considerations. With respect to the measure at large, as proposed to be introduced by the noble Lord, he should be sorry to say a word that could imply an objection to it, because, upon the first stage of a measure as important as any ever submitted to Parliament, as regarded its ultimate results on the interest and happiness of Ireland, nothing, he conceived, could be so unwise, perhaps so unpardonable, as for any man to pledge himself precipitately as to the course he would pursue. If, therefore, he said a word upon the subject on that occasion, he trusted the noble Lord and the Government would believe that it was not with the slightest hostility against them, or remotest disposition to oppose the measure but merely a friend having every wish to facilitate the carrying of a measure of the kind, and to make it in every respect as perfect as possible. The hon. and learned Member for Kilkenny had stated, that the Legislature had now no option upon the subject—that having once been introduced, the measure must of necessity be carried. He certainly thought that the Legislature was bound to consider the question of Poor-laws for Ireland; but if he were told because the matter had been broached, that therefore it must at once be proceeded with, and that the exercise of no discretion was to be left to the House, he begged to reply, that he totally dissented from that doctrine. He did not believe that by the mere proposal of the measure any such expectation of undoubted relief would be excited in the minds of the people of Ireland as to take from the Legislation all discretion upon the subject. A part of the noble Lord's proposal was the building of workhouses. If a hundred workhouses were built, he begged to ask what would be the average area of square miles over which each district in which such workhouse was situated would extend? [Viscount *Howick:* Each district will be twenty miles square.] There is a vast difference between twenty square miles and twenty miles square; let me understand distinctly what is intended? [Lord *J. Russell:* Twenty miles square.] That would comprise a space of four hundred square miles. Then, again, did the noble Lord propose that one portion of a family seeking relief should be admitted into the workhouse, and that other portions should be permitted to work, or beg, or do as they pleased; or, as a condition to relief, must the whole of the family be admitted at once?

Lord *J. Russell:* It is proposed that no relief shall be afforded to one member of a family unless the whole be at the same time admitted to the workhouse.

Sir *Robert Peel* thought the noble Lord would find that that system would not adapt itself to the other provisions of the Bill. This proposition, of course, was founded on the success which was supposed to have attended the workhouse sytem in England. He felt that in the present condition of Ireland there was no time for delay; but he thought it much to be regretted, that greater experience of the practical working of the system in England had not been obtained. As regarded the introduction of Poor-laws into Ireland, too, it must be remembered that the situation of that country, as compared with England, was widely different. England had been under a system of Poor-laws for 300 years, in the course of which time many grievous abuses had crept in, and much difficulty had existed in removing them. Ireland was a country in which, as yet, no system of Poor-laws had ever existed. It was inferred from the partial experience of the last two years that the new workhouse system had worked well in England; but he did not think the last two years a fair test by which to judge of the operation of the system. During the whole of that time there had been a great demand for labour in consequence of the great works undertaken in this country by the enterprise of private individuals. The system, therefore, had come into operation under very great advantages. The noble Lord stated that he would make no distinction in Ireland between claims that arose from impotency and those which arose from destitution, and he added that he thought no valid distinction could be drawn between the two. He was willing to give the point every consideration; but, speaking from the present impression of his mind, he must say that he thought there was a most material distinction to be drawn between claims arising from lameness, blindness, disease, and extreme old age, where it was evident there were few opportunities of fraud, and claims arising from destitution, which in many cases might be real, but in others might be feigned, or the result of indolence or improvidence. If the system of an extensive dispensary were established, at which the blind, the lame, and the extremely old should be the only claimants for relief, there would be no risk of false claims; and any system adopted in Ireland ought, undoubtedly, to afford instant and substantial relief to all that class of persons. But the moment the claims of the able-bodied man were admitted on account of destitution, from inability to find work, from that instant all test was abandoned by which to ascertain whether the claims were valid or not. The noble Lord was very confident that the workhouse system would afford an effectual check to false claims; and upon that point he had quoted the testimony and opinion of Mr. Nichols. He was as fully disposed as the noble Lord to attach great weight to the opinion of that gentleman; but at the same time he thought his experience of the working of the English Bill must be too brief to enable him to speak with any certainty as to what the probable operation of a similar system would be in Ireland. But consider what these workhouses would be in the centre of an area of 400 square miles. The advantage of the workhouse system in England was, that it afforded an immediate test of the validity of the claimants. How, embracing so vast a district, could it afford a similar test in Ireland? He feared, too, if the workhouses should become popular in Ireland, that those who lived in the immediate neighbourhood would have the prior claim, so as to prevent those who lived at the greater distance of ten or twenty miles, from any chance of admission at all. Therefore if a rigid law were laid down that no relief should be given except an admission to the workhouse, he was afraid the remedy proposed would be found in practice to be a very partial one. The noble Lord had stated that all those who could not obtain relief within the workhouses would be at liberty to wander about and beg. Had the Government determined that it was impossible to unite with the workhouse system some system of domiciliary relief? The great disadvantage of the workhouse system was its inflexibility. Might not that disadvantage be obviated in some degree by the establishment of a system of domiciliary relief combined with it? As he had stated before, he wished to give this measure his cordial support, which he should undoubtedly do, if, in the course of the further discussion, he should feel convinced that the workhouse system was inseparable from the introduction of Poor-laws into Ireland. All that he was afraid of was, that by the rigid rule of excluding every claim to relief unless administered within the walls of the workhouse, and of allowing vagrancy to be sanctioned by the law, very little practical good would be effected. The noble Lord stated, that the workhouses would not be filled, because the natural affection of the Irish people would induce them to support their poor and more destitute relatives. In that case, he (Sir Robert Peel) thought they would not relieve the class of persons who stood most in need of it. If that feeling obtained generally in Ireland, and if this system were adopted, he feared that the pressure of charity would fall most heavily on those who were least capable of bearing it. But at that time, and in that early stage of the proceedings, he would not extend his observations. He gave every credit to the Government for bringing the matter forward. As far as he was personally concerned, he was disposed in every way to labour towards, he would not say the literal adoption of the measure as it was then proposed to them, but towards the introduction of a sound system of Poor-laws into Ireland, by which the suffering poor of that country might be relieved, without entailing upon them and upon the richer classes such heavy evils as had arisen in England from an indiscriminate application of relief. With that feeling he should address himself to this measure with exactly the same zeal as if it had been introduced by his own Friends.

Mr. *James Grattan* was understood to say that the Act of the 11th and 12th of George 3rd, was nothing but a workhouse Act, and that a workhouse system was not so new or so objectionable as the right hon. Baronet seemed to think. He thanked the noble Lord most sincerely for having brought forward his present proposition. For twelve or fourteen years he had been most anxious for the introduction of Poor-laws into Ireland, and he conceived that the proposed measure would work well; at all events, he was convinced that some system of Poor-laws for Ireland was called for, and that the longer the question was delayed, the worse it would be for that country. Every man who had read the reports of the misery that existed in his unhappy country, which indeed was so extreme as scarcely to be equalled in any other country on the face of the globe, must agree with him in that opinion; and it was equally true that the operation of Poor-laws in Ireland would be exceedingly beneficial to England, inasmuch as it would prevent the Irish labourers from coming hither to obtain that employment which they could not get in their own country. With respect to what the hon. and learned Member for Kilkenny had said with regard to absentees being compelled to pay a double rate for the relief of the poor in Ireland, he was not prepared to go so far, but he certainly thought that every absentee ought to pay as much as the resident landlord.

Lord *Stanley* most cordially agreed in-the last observation which had fallen from the hon. Gentleman who had just sat down—namely, that it was most important on this occasion, and on all other occasions, when questions relating to Ireland were discussed, to insist that it was just to compel the absentees of Irish estates to take on themselves their fair portion of the public burdens. He did not say that they should supply (for indeed it was impossible that they could do so) only by their pecuniary subscriptions the remedy for the evils which their absence from their property created, but that they should, as far as possible, be compelled to bear their fair proportion of those legitimate claims which devolved upon all landlords. Whether resident or not, they could not escape the responsibility to their own consciences for any neglect of which they were guilty. He came forward as a landlord and a proprietor of land in Ireland, one who was necessarily absent from that country at times, and therefore one to whom the name of absentee had been, and might be, applied. But it had been his humble desire to endeavour, as far as absentee could, to discharge the duties which devolved on him in that capacity. He had never on any occasion, he hoped he need not say from a feeling of short-sighted interest, shrunk from, or endeavoured to avoid those fair burdens which as an Irish landlord he ought to bear. His noble Friend who had introduced the measure had stated two principal objects which he had in view—first, to give to landlords in general an interest in the management of their estates; and secondly, which was a most important object, the prevention of vagrancy and mendicancy. With regard to the second point, it was impossible for any man who had had personal experience in Ireland to exaggerate or overrate the importance of that most mischievous and most fatal pest of all the pests of society there. He was not stating it too strongly, because the general and promiscuous system of relief to all cases of distress, real or fictitious, deserved or undeserved, whether caused by idleness or misfortune, the vagrant habits it engendered, the mischievous poison it instilled into families, the utter improvidence it encouraged, the check it gave to all improvement, its positive discouragement of all industry, foresight, and prudence, the baneful influence which it exercised on the population of Ireland, and the social and moral condition of the people—that evil compared to the amount of taxation to the extent of 500,000*l.*, or 1,000,000*l.* or even 2,000,000*l.*, made the latter a matter of perfect insignificance. On all occasions when an abstract resolution was mooted in that House, such as that it was expedient to introduce poor-laws into Ireland, he had felt it to be his duty, whether as a Member of the Government or not, to object to that sort of vague motion, believing that it could do nothing but create expectations of hope, which they would not be able to realize. Suppose persons of different political opinions united in voting for such a motion, yet it was found that they could not agree when they came to the details of the question after having so voted, and the consequence was that they had raised expectations which they could not fulfil, and exhibited evils which they could not cure; therefore they had produced mischief only, while they had been actuated by the most charitable feelings, of an earnest desire to do good. But the case was different when there was a specific plan brought forward by Government, on its responsibility (and it was only the Government which could succeed) and grounded on a mature consideration of the subject. He, as a landlord, felt grateful to the Government for having taken upon themselves the trouble and responsibility of introducing this important subject. His noble Friend and his colleagues must be fully sensible of the difficulties they had brought upon themselves by taking up the matter; and he trusted that the subject would be followed out to a satisfactory termination. For his own part it would be his duty, as well as pleasure, to give all his exertions to carry out this measure, without pledging himself to all its details, to a successful result. He had alluded to the state of vagrancy in Ireland, and was anxious to offer some observations on the subject to the House. It had been argued by Gentlemen who spoke against allowing compulsory relief, that by doing so you would check the flow of private benevolence in Ireland. He would speak as an Englishman who had lived in Ireland, and had seen much of the people and country. He could say without hesitation, that he had seen instances of self-devotion on the part of the peasantry of that country which he was sure could not be met with elsewhere; he had repeatedly met with sacrifices, for the purposes of benevolence and charity, of all the little comforts they possessed, without hesitation, which reflected the highest credit on the humblest classes in Ireland. They considered that unfortunate vagrants were entitled to command relief at their hands, and without hesitation they brought them to their own houses to share the same humble shelter and food as the owner was enabled to afford to his family. He could tell hon. Members that this was not a rare occurrence in Ireland—it was not a casual event, but it was a matter of daily and constant occurrence—and be it recollected that the persons who afforded this aid were themselves steeped to the lips in poverty. Let the House suppose the case of a poor widow left destitute, with a large family, and surrounded with those who hardly knew how to get their bread from day to day, yet in such a district there could not be found a house in which the widow would not find a refuge—nay, more, he would venture to say that there was not a poor family who would refuse to charge themselves with a permanent share of expense towards the support of this family, and this even to an extent beyond their means. Would he check this system of benevolence? He honoured too highly the benevolence thus manifested—he felt too much as a Christian the nature of the feelings from whence it emanated—to endeavour to check its sacred flow. But looking at the matter as a statesman, regarding also the state of the country, and looking to the habits of the people, and recollecting also the necessity of engendering habits of foresight, he felt satisfied that the Legislature must not force on the poor peasantry of the country such a share of the charge of supporting those who were absolutely destitute. High and exalted virtues undoubtedly they were; and the more high and exalted because unseen and unknown. But, while admitting this, it was the duty of the House to recollect that the practice of those virtues produced in the minds of the population a sense that it was not necessary to look to the future, or to make provision beyond the present moment. No doubt this state of things resulted from feelings of a high origin, but if it were not checked by law, it produced abuses in the law, and led to the existence of the greatest evils in the country. It led to the most pernicious system of imprudence in the habits of the peasantry, and it induced them to give away their last halfpenny, or potato, without knowing where they could supply their own wants and those of their families. This overstrained and exaggerated character of benevolence arose from the peculiar circumstances of the country; for they could not tell that they might not themselves fall into this state of destitution. He saw in this the strongest reason not to strain those feelings, lest the exercise of them might prove injurious to the social system. Therefore, he was prepared to say, let us adopt some system of relief for the utterly destitute. In such a state of things as at present existed in Ireland the state should interfere, and say to the struggling cottagers of Ireland, "You shall not share beyond your means; your richer neighbours shall also contribute their share towards the relief of the most destitute." He agreed also with his Majesty's Government, that the utterly destitute should alone be relieved. He was aware that the most exaggerated anticipations, as well as the most extravagant feelings of alarm, were held by different parties, as to what would be the result of the adoption of poor-laws in Ireland. One party looked upon it as imposing a burden which would swallow up all the property in Ireland, and such might possibly be the effect if they did not look carefully to the operation of the system. On the other hand, they were told that a system of poor-laws would at once lead to the investment of capital in Ireland, to the general employment of the poor, and to a higher rate of wages; it was the duty of that House to do all that could be done by legislation to promote these ends. He could not, however, help observing, that these exaggerated feelings held on one hand and the other, had been attended with the most injurious effects. He had no such anticipation of its vast benefits; he participated in no such feelings of alarm as had been described. He thought that much good might be effected by the adoption of a judicious and sound system. He was persuaded that the destitution to command relief must be absolute, entire, and hopeless—such destitution must alone be the limit of the law. They must on no account hold out expectations of relieving the man who with a few acres of land was distressed, because he had agreed to pay an amount for rent which he was not able to pay. The adoption of a plan by which relief would be afforded to this class would indeed be a confiscation of all the landed property in Ireland. Such a system would be no real relief to the individual himself; it would not lead to a greater degree of providence for the future, but it would hold out a similar and even a stronger inducement than at present to this class to make the most improvident and absurd bargains; at the same time it would ruin the landlords, and make the conduct of the peasantry still more thoughtless than at present. Now with respect to the dangers which they had to look to — the danger which resulted from the late poor-laws in England was, that there was a systematic laxity in their administration, beyond all example, which produced scenes of evil, of which all men were witnesses, and which necessarily led to the adoption of a check in their administration, which, by a gradual and careful mode of proceeding, would no doubt lead to a great improvement. In Ireland, however, they had a reverse series of changes. In this country, it had been found necessary to contract, as much as possible, the system of relief; so in Ireland it was necessary to set out from the other end of the series, and they must make rules and regulations which they would be able to enlarge. He said this, not from any wish to take from the peasantry or pauper population of Ireland, any advantage enjoyed by the pauper population of England. The House must see how far it was necessary to make restrictions in the one country in the system already in force, and how far they were enabled to relax in the other country. In adopting, therefore, poor-laws for Ireland, care must be taken that they did not go on the opposite line to that which he had just alluded to. Thus they should have a narrow system of relief, in the first instance, which could be enlarged afterwards. His noble Friend proposed to limit relief to the workhouse system. In principle he was induced to agree with his noble Friend; but he thought it necessary to see what this system should be. He did not think that any great inconvenience would result from having these large workhouses in large towns; but he did not think that this would be altogether the case in agricultural districts. In the first instance, many persons might be induced to subject themselves to the confinement and restraint which necessarily existed in a workhouse, with a view of obtaining a sufficiency of food and clothing; but the feelings of restraint and confinement were so adverse to anything like Irish feelings and habits, that if the workhouse was found to be a great check in England, in inducing the poorer classes to depend on their own exertions, instead of resorting to the parish, it would be found to be a still more powerful check in Ireland. Those great inducements, in the shape of good living, clothing, and lodging, would not have near the same effect in Ireland as in England. In speaking of a workhouse system, it is necessary to examine how the workhouses are to be distributed. He did not wish to trouble the House at such length; but when a great measure was introduced, in which no party feelings were involved on one side or the other, he thought that it would be advisable to throw out at once such suggestions as occurred to him as to any difficulties that might appear in the working of it. He confessed that he had doubts and hesitations as to some parts of the proposed plan, and therefore, what he then stated were observations which he trusted would not be considered as binding upon him. His noble Friend had told the House, that one of the chief objects of the Bill was, the making provision for the relief of destitute vagrants. Unless they meant completely and decidedly to put a stop to, and prevent vagrancy, they could not be successful in effecting their object. To attain this end, it would be absolutely necessary that there should be workhouses within such a distance of each other, that the infirm and aged could readily reach the workhouse, without having to pass a great distance through the country. If you do not get rid of this system of vagrancy, you do not get rid of the great evil which now exists in Ireland; and to effect this object, it was absolutely necessary that the workhouses should not be at too great distances apart. If he understood his noble Friend correctly, the workhouses were to be twenty miles apart; that was, that each workhouse should be in the centre of a square, the radius of which, if he might use the expression, was ten miles. He did not speak mathematically, but he believed that he was correct. His noble Friend appeared to have two objects in view, in the erection of these large workhouses. By having them on a large scale, his noble Friend believed that, by a system of contract, the paupers would be supported at a less expense, and, also, that the cost of superintendence would be diminished. But his noble Friend had, at the same time, kept out of view what, in his (Lord Stanley's) opinion, could not but prove to be a great evil—he meant the difficulty of getting, in Ireland, proper persons to act on the Board of Guardians. His noble Friend might reply, that even by reducing the distance between the workhouses to five miles, they would still have to contend with the same difficulties in finding fit persons to act. But the difficulty was not diminished by increasing the size of the district; for it did not follow, that because you could not get ten persons in half the distance, that you could get twenty persons in the proposed distance. His noble Friend must be aware, that the very extent of some of the unions in England, was productive of a great deal of mischief. Some persons, the most proper to act as guardians of the poor, would not go out day after day, and week after week, to a considerable distance, to attend the meetings of the Board. This would more especially be the case, in a country in a distracted state; and he was satisfied, that in many parts of Ireland, on this ground, many gentlemen would decline going to a distance from their homes, to attend Board meetings. There were also different motives operating, to induce gentlemen to take upon themselves these offices in the two countries. The object in England was, to reduce a great burden; but in Ireland, by carrying out the proposed system, they would entail a great burden on themselves. He was satisfied that they would not get the persons of the same class in Ireland to attend, day after day, and week after week, as was the case in England. He repeated, if the difficulty to procure the services of proper persons on the Boards of Guardians here was found to be great, it would be still more so in Ireland. He was also satisfied, that the more they extended the size of each workhouse district, the greater the difficulties that would be felt. He would ask his noble Friend then, whether the proposed workhouse districts were too large for the practical working of the system? It should also be recollected, that there was a great want of a proper parochial machinery in Ireland, and therefore he thought that they would have to give greater power to the Commissioners in Ireland than was given to them in England. There was another part of the plan with respect to which he wished to say a few words, and which was suggested to him by what had fallen from the noble Lord. It was proposed, that utter and entire destitution should be the only ground of relief. Did not this suppose, as a corollary, that entire destitution gave an absolute right to relief? How could they tell a man that he should not go a begging, and at the same time say, that the case was not one of destitution, and relief, therefore, should not be given? Upon whom would they throw the responsibility, to say who had and who had not a right to relief? His noble Friend, he believed, went further, and said that destitution was the sole condition of relief. He said that he would give no absolute right, and the reason was, that he could not do so without having a law of settlement. He would not pledge himself upon the subject, but would wait to hear whether the Government could show the possibility or practicability of introducing any measure—whether it gave to the pauper an absolute right, or not an absolute right, to relief—which should not carry with it the necessity of some law of settlement. Let them not shrink from the difficulty of the case. He knew it was a difficulty. His noble friend had said, "Look at the law of settlement in England, and see what trouble, what litigation, what expense it occasions; therefore, said his noble Friend, simply, let us have no law of settlement at all." Suppose his noble Friend were to be met with this sort of argument—"See what abuses have prevailed under the old poor-law system in this country; see what ruin, in every direction it has occasioned; therefore let us have no poor-law at all;" would it not be precisely the doctrine which his noble Friend now advanced against the law of settlement? If the House recognised the principle that destitution should be the test of relief, and that that relief should be limited to the workhouse, and if they meant, as a general measure, that it should prevent vagrancy — vagrancy being the greatest evil in Ireland—then they must give to destitution an absolute right and claim upon some fund; and if they gave to destitution an absolute right and claim upon some fund, then they must, by some law of settlement, say upon what fund that claim should be. From this chain of reasoning he could not see how they could escape. How was it that his noble Friend proposed to begin this system in Ireland? Why, by establishing at first, fifteen workhouses in that country. Now it was admitted that there would be a great rush of paupers upon those fifteen workhouses, and that it would be impossible to resist their claims. But that was an argument in favour of a law of settlement, when they were about to give to paupers a claim throughout Ireland, the same as in England, upon every one of those workhouses. But if in Ireland the authorities should not choose to admit the paupers claiming, then, according to the proposition of his noble Friend, those paupers should have a right of begging. See how, adopting, as it was proposed to do, the same law, and the same administration in Ireland as in England, such a plan would operate. At present, there was no poor-law in Ireland; consequently, from the coasts of Cumberland, Westmoreland, or the western coast of England, they could ship off any number of Irish paupers they thought proper, and turn them loose on Irish ground, and tell them to beg their way home. Was it intended by the noble Lord that these should be thrown upon Belfast, Dublin, or Waterford, an absolute and compulsory, though not a legal, burden of this description; or to say to them, "Though there is a poor-law throughout Ireland, and an universal system of relief, yet these persons must be maintained by you in Dublin, Waterford, or Belfast, or else they must be allowed to beg their way through the country? Was that the way they did in England? If, then, they wished to introduce the same system of relief into Ireland as prevailed in England, they must carry the same system throughout,—they must make the county of Dublin bear the same relation to the county of Lancaster, as the county of Cornwall or the county of York bore to it at the present moment. But this they could not do without establishing a law of settlement. Without a law of settlement, therefore, and without giving paupers an absolute title to relief, he could not see how it was practicable that the present measure could succeed. He would not, at the present moment, enter into a consideration of the several very important questions of detail involved in this measure. He entirely agreed with his noble Friend in the propriety and expediency of the provision for excluding clergymen of all denominations from the administration of these funds. Their interference might lead to heart-burnings, and to suspicions of partiality, if not to partiality itself; while it would to a great extent be mixing them up with a vast number of circumstances from which they had much better be excluded. They would then be better able to perform their proper functions, as a sort of mediator between the guardians and the paupers. It was perfectly consistent with their sacred office to advocate the claims of charity, but not to administer parochial or district relief. The question of rating was one of great importance, and to which, he was aware, the Government had given very serious attention. He could not, however, say that he altogether agreed with them in the conclusion at which they had arrived. He should have been most desirous of seeing a system introduced by which the poor rates levy might have acted as an absolute and positive check upon that which he held to be one of the greatest evils of Ireland, as between landlord and tenant, namely, the exorbitant rents fixed upon, which one party never expected to receive, and which the other party knew he could never pay. He should have been glad to see the amount of rate taken and estimated upon the covenanted rent as between landlord and tenant. That would have acted, in his opinion, as a very important check to the evil that so greatly prevailed in Ireland. For now, the landlord imposed a rent of 50*s*., an acre, knowing, at the same time, that he should never get 40*s*., but, trusting to what he could screw out of the tenant, willing to take everything if he could get it; while the poor tenant, from the great competition for land, undertook to give 50*s*. knowing also, at the same time, that he could not pay any such sum. Now, if they could introduce a system by which the amount fixed as the rent were made the basis of the amount of taxation —to which there could be no objection, that being the valuation imposed by the parties themselves— there would be at once a check upon the exorbitant avarice of the landlord, and also upon the improvident want of foresight on the part of the tenant in promising an amount of rent which he was not able to pay. He hoped it would not be impossible to introduce some such provision in the Bill. It was also a question to be considered, when they came to the details of the Bill, as to the amount to be charged upon the landlord, and the manner in which it was to be distributed among the landlord and tenants; and also as to the means by which they were to pay it— whether they should deduct it from the whole of the landlord's rent, or whether the amount charged upon the landlord should be first paid by the tenant and allowed as a part consideration of the rent—which he should think the most desirable course. But these were questions to be considered by them in Committee, and discussed by them as Members of the House of Commons, who, whatever their opinions might be upon theoretical questions, he hoped when they came to deal with a great question of this kind, concerning which there was but one sole and only interest on both sides of the House, would equally endeavour to carry it through perfectly by friendly argument, and by discussing it warmly, if necessary, but at the same time candidly; and by bowing to the opinion of the majority, and to expediency, when their mutual object was ascertained to be the same. He would say, that was the course the House of Commons ought to pursue on a question of this kind. That was the course which he meant to pursue and in the name of every Member on either side of the House, without distinction of party, he might say that that was the course which all would pursue. With regard to extending the right of relief not only to the impotent but to the able-bodied pauper, he confessed he himself saw no means by which they could draw a line of distinction between the two; limiting, as it was proposed to do, that relief altogether; at all events in the first instance, to that which should be given in workhouses, and workhouses alone. With no exaggerated expectations that this measure would produce unlimited prosperity in Ireland—with no exaggerated expectations that it would entirely relieve even partial, local, much less general distress—while, on the other hand, with no exaggerated apprehensions that it would endanger the rights of the landlord, he, as an Irish landowner, thanked his Majesty's Government for having introduced the measure, and, as an Irish landlord, he would give his aid to bring the measure to as perfect a conclusion as possible. He had omitted to mention one question, which was with respect to the number of vagrants. He hoped, in considering the question of destitution, his noble Friend would make it understood that no person renting and occupying land should be considered in such a state of destitution as to give him a right to relief. It had been said, that there would be a great influx of paupers at particular times of the year in the workhouses. Undoubtedly this would be the case if they admitted this class of persons; because the small landholders at certain periods of the year, suffer great distress, generally in the months of May, June and July, between the consumption of one crop and the gathering of the other. Now, if men, though holding four or five acres of land, were at those periods to be considered in such a state of destitution (as was no doubt often actually the fact) as to entitle them to come into the workhouse, the workhouses would be inundated and overwhelmed, and the effect would be, that every farthing so paid and expended would be paid into the pockets of the landlord. He did not wish to raise the rent of the Irish landlord, though he believed it was capable of being raised. First, it might be raised by superior cultivation, by a greater extension of the farms, by increased application of capital to those farms, and by a conversion into active labourers of that class of the population who now depended partly upon letting four or five acres as landlords, and partly upon holding three or four acres themselves. He believed that if these changes could be introduced, the rent of Ireland, under a good system of poor-laws, would be susceptible of being materially and honestly raised to the benefit of the landlord, but no less also to the benefit of the tenant. What he wanted to prevent was, a dishonest and fraudulent raising of rents; a system of nominally raising them to an amount which was never intended by the landlords to be levied, but which was intended to screw down the tenantry, and to force from them the last penny their impoverished condition could spare. He thought that to a certain extent the measure introduced by his noble Friend to-night might have the effect of mitigating this great prevailing evil; and whatever might have that effect would be an unmixed good. Feeling confident that the House would seek sedulously to guard the measure by such salutary provisions as should not allow it to impose an undue charge upon the property of Ireland, and believing also that it would not be attended with those dangers which some persons had anticipated from it, he should give it his cordial support, and in every stage of its progress lend the Government his humble assistance, not, however, concealing any objections which he might conceive from time to time applicable to it.

Mr. *Richards* said, it gave him great pleasure to perceive the unanimity of the House on that great and important subject. The question really was, whether relief should be afforded the poor of Ireland, or whether servile insurrections should be daily witnessed? The measure of the noble Lord was well calculated to do away with the feeling of insecurity which prevailed on the subject of property in that country, and it would consequently have the certain effect of encouraging the influx of capital into it. Various objections had been urged by the hon. and learned Member for Kilkenny; but, when he spoke on the subject of capital, he seemed to do so as one who had no well-formed notions on it or its results. There could be no doubt that the sum suggested by the noble Lord for carrying his project into effect would be sufficient; for the Mendicity Society of Dublin alone, on a voluntary income of 10,000*l.* a-year, relieved annually 240,000 individuals, by supplying them with work. It was quite plain that the noble Lord understood the subject he had taken in hand in all its bearings; and he was therefore entitled to the confidence of the House and the gratitude of the country for introducing the measure. Before he sat down he wished to state to the House that Dr. Doyle, who might be considered a high authority upon the question of Irish Poor-laws, had not, as had been by some persons erroneously imagined, changed, shortly before his death, the opinions which, during his whole previous life, he had professed upon that subject. By the report of the Irish Poor-law Commissioners, it was evident that the Irish poor were by no means so provident as the English and the Scotch, and that if it was intended to raise them to a better condition in point of comfort, they must also raise them in the scale of society. He would not, however, at so late an hour trespass upon the patience of the House, but would conclude by stating, in concurrence with the opinions of an eminent writer on the state of Ireland—who said that it was wrong to attribute the disorders of the people of that country to their religious differences—that the first thing to be done towards their amendment was to relieve their wretched condition: that they ought to be raised higher in the social scale; to have justice done to them, and all their well-founded complaints removed. He could only say that the Bill should have his best attention and most cordial support.

Lord *John Russell* rose merely to say, that he felt deeply indebted to hon. Members on both sides of the House for the many valuable suggestions which had been made in the course of the evening. The House might rely upon all these suggestions receiving the best and most mature consideration of his Majesty's Government. He would not now enter into any of the details which had been mentioned, as these would be much better discussed at a future stage. He had every confidence that the Bill would be satisfactory to all parties.

Resolution agreed to, and ordered to be reported.

HOUSE OF LORDS,

Tuesday, February 14, 1837.

MINUTES.] Bills. Read a first time:—Registration of Marriages.

Petitions presented. By Lords SUFFIELD, HATHERTON, HOLLAND, BROUGHAM, and the Earl of ABERDEEN, from Sudbury, Hampshire, Newport, Monmouth, and other places, for the Abolition of Church Rates.—By the Earl of WINCHILSEA, from Canterbury, that the House will resist all attempts to interfere with its Rights, Independences, and Privileges.

CHURCH RATES.] Lord *Brougham* had a Petition to present from a numerous and most respectable body of his Majesty's subjects. The petition had been drawn up and signed under circumstances of so peculiar a nature, that he thought it necessary, before he requested their Lordships to allow it to be laid on the table, to state from whom it came. It purported to come from the undersigned ministers and laymen, assembled in London as deputies from various parts of the empire, to consult on the best means to be adopted for effecting, by all possible legal and constitutional means, the object of the petition. Though the petition was not signed by more than 200 or 300 deputies, yet he was informed that upwards of 400 deputies were present at the time the meeting was held, and that it was only from the accident of several of them, above 100, leaving town before the petition was prepared, that their names were not also appended to it. He wished also to state to their Lordships, in what way, and from what places, these persons came to town. They came, in the popular sense of the term, as representing congregations of various religious denominations in different parts of the country. They also represented different bodies of men not being religious congregations. Upwards of 500 of these congregations and meetings had been holden in the country, at which it was agreed to send deputies to town, for the purpose he had already mentioned, though not many more than 400, or 420, actually came. He believed that no portion of his Majesty's subjects, either in character, ability, or station in society, were more respectable than the great body whom those individuals, who had signed the petition on this occasion, represented. He again used that word only in its popular sense; but in one sense of the word, he believed that they strictly, as well as popularly, represented them, for he believed, that in this petition, they spoke the unanimous and strong opinion of all the persons composing those assemblies, which had deputed them to come to town.

Petition to be laid on the table.

Protection of Property.—Railroads.] The Earl of *Denbigh* presented a Petition from the Committee of the Association for the Protection of Property, at Rugby. It set forth, that in consequence of the London and Birmingham Railway running through the property, situate at, and in the neighbourhood of Rugby, many persons of the most abandoned character, who were employed as labourers on the Railway, assembled in that town and neighbourhood; and that many serious burglaries were committed almost every night against the property of the inhabitants of the towns and villages lying on, or near that line; the petitioners therefore prayed, that when these several Companies should apply to their Lordships' hon. House, their Lordships would agree to insert a clause into any bills that their Lordships might pass, that should require such Companies to afford adequate protection to the property through which the railways passed; and that their Lordships would be pleased to render to the petitioners such further, and other redress, as to their Lordships should seem meet. The noble Earl read a private letter he had received; describing two or three cases of outrage committed by the men employed on the London and Birmingham Railway, on property contiguous to the line. On one occasion, they broke into a house and carried away 200*l.* worth of property; and two nights before that, a shop at Long Langford was broken into and entirely gutted; one person had had thirty sheep killed and taken away; and numerous other offences had been committed: he therefore trusted their Lordships would accede to the prayer of the petitioners.

The Marquess of *Salisbury* was glad that the noble Earl had brought this matter before their Lordships, and he rose to bear his testimony in support of the petition. He was a magistrate of a county through which the London and Birmingham Railway passed, and he could assure their Lordships, that at the sessions perpetual complaints were made against the class of men employed in constructing that work. It was his intention, and he thought the most convenient time for doing so, would be on the first occasion any bill of this kind came before the House, to propose the insertion of a clause by which the magistrates acting in the district, through which the Railways or other public works should pass, should have the power to appoint such a police as should be necessary, and charge the expense on the Company. He trusted his Majesty's Government would see the propriety of some such provision being adopted.

The Earl of *Winchilsea* considered the present subject one well worthy of the consideration of their Lordships, and he should give his support to any petition brought forward for the protection of property. There was another point which required some consideration, namely, that many of these speculations were undertaken solely for gambling purposes. The estimates brought before their Lordships were often fallacious. He believed that this very Company—the London and Birmingham Railway Company—was about to apply to Parliament for the power to raise a further sum of money, nearly 2,000,000*l.* beyond that which was asked for in the first instance, to complete the line. Their Lordships owed it to the public at large to guard them against such a proposition, which to him appeared a gross fraud. Their Lordships were often induced to pass private Bills of this kind on account of the respectability of the names advertised as promoters of the work; but those names were afterwards in general withdrawn, when the shares came to a certain premium. What he had always asked for was, that the projectors of these schemes should be bound to complete the work. He was thoroughly convinced that the original projectors of the Waterloo-bridge Company still holding shares—whatever might be the case with respect to the second and third sets of proprietors, into whose hands the shares had got—had no chance of obtaining one farthing either of interest or capital. Surely nobody could say that the public ought not to be protected against such proceedings. There was another point which ought to come under the consideration of the House; it was this, that many of these railroad bills were passed through Parliament by the grossest deception. By many railroad companies securities were given to individuals, that in the ensuing Session, an application would be made to Parliament for leave to deviate from the line which was originally adopted by them. He knew one instance of this which had occurred in the county of Kent, in which case he had pressed the solicitor until he acknowledged that a bond for 10,000*l.* had been given to a gentleman there, through whose property the original line was to have passed, that leave should be sought from Parliament for a deviation which would remove the line, so that it should pass through property at a distance, belonging to a gentleman who had no idea of anything of the kind being contemplated. He was informed that such an application would be made, and if it were, he would pledge himself to bring forward his letter and the solicitor's answer, and would show that it was one of the grossest frauds—to use the mildest term—ever practised before a Committee of their Lordships' House. He had said so much considering that he owed it to the public; he was, however, no enemy to railroads; on the contrary, he wished to support Bills for them wherever it was prudent to make them.

Petition laid on the table.

HOUSE OF COMMONS,

Tuesday, February 14, 1837.

MINUTES.] Bills. Read a third time:—Grand Juries' (Ireland).—Read a first time:—Poor Relief (Ireland); Prison Regulations.

Petitions presented. By Mr. BAINES, Mr. CAYLEY, Mr. M'LEOD, Mr. PATTISON, Mr. SERGEANT BLACKBURNE, and several other Hon. MEMBERS, from Forres, Essex, Kidderminster, and other places, for the Abolition of Church Rates.—By Mr. W. MILES, Mr. GULLY, and Lord FRANCIS EGERTON, from Bristol and other places, for the Repeal of the Duty on Soap.—By Mr. DILLON BROWNE, from Armagh, for the Abolition of Tithes; and for the Ballot and Corporate Reform.—By Mr. VESEY, from Medical Practitioners, Queen's County, for the Amendment of Grand Juries' Act.—By Mr. HENRY WILSON, from Stowmarket, for Repeal of Duty on Fire Insurances.—By Messrs. HARDY, HARVEY, and WALTER, from Kingston, Kendal, and other places, for Repeal of Poor-law Amendment Act.

NEW POOR LAW.] Mr. *Harvey* said, that while he readily recognised the salutary rule which the right hon. Gentleman in the chair had laid down, and generally enforced, precluding all observations on the presentation of petitions, except so far as to state the names of the petitioners and their object, yet he felt assured that the petition he had to present, and its objects, would receive from the House its kind and prompt attention, and would also afford, not only an apology, but a justification, for his calling the attention of the House to its contents, though briefly. He should not have pursued this course, but for the announcement which he regretted had been made by the leader of his Majesty's Government in the House, that it was his intention to restrict the motion of which notice had been given by the hon. Member for Berkshire (Mr. Walter), in a way that he could not help thinking would impair, if not destroy, its utility. He had now to present two petitions, each stating the same matters, and aiming at the same object. One was signed by nearly 10,000 persons residing in the town and neighbourhood of Merthyr Tydvil, and the other signed by 1,500 inhabitants of Kendal, Westmoreland. Both complained of the harsh operation of the Poor-law Act, and more especially of the unconstitutional powers which were for the first time conferred upon commissioners, to create and enforce laws, coeval in their influence and in their effect with the positive powers of legislation. As the subject would shortly come under the consideration of the House, he would not go at length into it at the present time. But when the House called to mind this circumstance, and it ought to be strongly impressed on them that these petitioners, who formed a great mass of the productive industry of the country, had no direct representatives in the House, and that they were only connected with it by the slender cord of suspicious sympathy, he (Mr. Harvey) could not help thinking that the Speaker would not interdict him while simply stating their case. This law was affecting them most grievously, and, as they thought and as he thought, most cruelly and unjustly. He would not, however, illustrate this position further than by simply calling the attention of the House to the facts, not furnished by the petitioners with the object of harrowing up the feelings of the House or the country, but of showing the real effects of this law upon their humble fortunes. He held in his hand a statement to the effect, that there were in these houses aged persons, who had for many years passed that period when all is sorrow to man—who had reached the age of eighty or ninety years—who had enriched their country by the labour of their youth—fathers and mothers, grandfathers and grandmothers—who had been in the receipt of 2*s.* a-week, had actually been subjected to a reduction of twenty-five per cent. in their incomes. That was the way in which the House ought to look at the subject.

The *Speaker* requested the hon. Member to confine himself to the facts stated in the petition.

Mr. *Harvey* said, if he confined himself to the facts stated in the petition, and were at liberty to enter into, and dwell on, the facts, he should occupy far more time than by calling attention to the individual circumstances; because, if he took this petition as the text of his remarks, it would, in effect, open the whole history and operation of the Poor-laws, which would come under discussion that day week. But he should be extremely sorry (whilst it was his intention to bow to the just judgment so well exercised) that it should go to the world, that when the poor, the pitiless and the houseless, presented themselves to this House, it was difficult for their humble advocate to obtain a hearing. And, therefore, he would voluntarily yield to the suggestion of the Speaker, rather than that it should be supposed it was by a positive interdict of the House upon the receipt of the petitions of the people. With this remark he would bring up the petition.

Major *Beauclerk* had been requested to support the prayer of the petition, and would do so as shortly as possible. He perfectly agreed with many of the observations of the hon. Gentleman who had preceded him. He considered the law too harsh in its enactments, and regretted to learn that his Majesty's Government were determined to resist a Committee for a full inquiry into the subject. He should give his support to inquiry, for which he was convinced the country loudly called. If there was nothing to hide, why should they refuse inquiry? He would say no more than express his hope that the opinions of the Administration would change on this question.

Petition laid on the Table.

PROPERTY QUALIFICATION.] Sir *William Molesworth* said: The object of my motion is to repeal the statutes of the 9th of Anne, c. 5, and the 33rd of Geo. 2nd, c. 20, which refer to the property qualification, and the statutes which refer to the qualification of Members of Parliament. I seek to repeal those statutes more on account of their being vicious in principle, than on account of their being productive of very pernicious consequences, though undoubtedly sometimes they are the causes of great individual hardship. Sir, at the period when the first of the statutes received the sanction of the Legislature it was generally considered that a great principle of our representative government was infringed; such, at least is the account given by the contemporary historians. Tindal, in his history of the reign of Queen Anne, says—

> "The design of this (Bill) was to exclude courtiers, military men, and merchants from sitting in the House of Commons, in hopes that, this being settled, the land interest would be the prevailing consideration in all their consultations. They did not extend these qualifications to Scotland, it being pretended, that estates there being very small it would not be easy to find men so qualified capable to serve. This was thought to strike at an essential part of our Constitution, touching the freedom of elections, and it had been, as often as attempted, opposed by the Ministry, though it had a fair appearance of securing liberty when all was lodged with men of estates, yet our gentry was become so ignorant and so corrupt, that many apprehended the ill effects of this, and that the interest of trade, which indeed supports that of land, would neither be understood nor regarded."

The statute 9 Anne, c. 5, declares that

the Member ought to be possessed of a certain property qualification. Without giving any powers for discovering one fact, it merely obliges the Member to swear to his qualification. The statute was found, therefore, to be completely inoperative, for the petitioner had to prove that the Member was not qualified; and it is evident that it is impossible to prove this negative. Many election petitions were presented in the year 1714 under this Act, all of which were abandoned on account of this defect in the law. The law was then amended in a somewhat curious manner, viz., by the standing orders of the House: various attempts were made to confirm the standing orders by statute in the years 1731, 1732, 1733, and 1739; and it was not till the year 1760 that the law was partially amended by the statute 33 George 3rd, c. 20. According to this statute, every Member is obliged to deliver in a paper stating in what parish, &c., and in what county, his qualification lies. This law would likewise be inoperative, or would be most easily evaded, if it were not for the standing orders of the House to which I have just referred, which require the Member petitioned against to state the rental or particular of his qualification, and likewise "by what conveyance or act in law he claims and devises the same, and also the consideration, if any, paid; and the names and places of abode of the witnesses to such conveyance and payment." If these standing orders were to be repealed, the law would become inoperative and be easily evaded. The question generally before the Election Committee is with regard to the validity or invalidity of the deed to which I have referred, and whether the Member be legally or equitably in possession of the property required. Thus a Committee of the House is sometimes called upon to decide the nicest questions in equity; and the decisions of hon. Gentlemen in such cases are seldom as much in accordance with principles of law, as they are with the feelings of political partisanship. Nothing can be easier than to obtain a fictitious qualification. Any gentleman who has a sufficient sum at his banker's, can obtain from his banker a rent-charge as a mere matter of business, for most of the large London bankers possess landed property. If the gentleman who desires to be qualified does not possess a sufficient sum at his immediate disposal, he then applies to a friend or to an attorney, who generally can find amongst his clients some person of landed property willing to grant a fictitious qualification. A deed is drawn up conveying the rent-charge required, which deed never goes out of the possession of the attorney; in the presence of two witnesses unacquainted with the nature of the transaction, a seeming payment is made of the sum of money which would be required to make the transaction a real one. If there should be a petition, then the nature of the deed and the consideration are stated to the Committee of the House, and the witnesses prove the transaction to be a *bonâ fide* one. This is the safest and simplest mode of proceeding, though the expense of the stamps renders it rather more costly than a deed of gift, which probably would not be considered to be a *bonâ fide* transaction, if the majority of the Committee were opposed in political principles to the Member petitioned against. Any respectable attorney will, for a very trifling consideration, procure a fictitious qualification for one of his clients. The question before a Committee can seldom be whether the qualification is a *bonâ fide* one, but whether the Member is legally or equitably in possession of the property. A person must be very negligent, or his attorney very ignorant, who finds any difficulty under the qualification laws. Nevertheless, many of the Members of the House are not properly qualified. As for a real and *bonâ fide* qualification, it is well known that one-half of the Members of Parliament, if not more, do not, in reality, possess the amount of landed property required, but sit here in virtue of fictitious qualifications. I applied to one of my friends, an eminent attorney, well acquainted with this subject, for information. I received an answer from him, a portion of which I will read to the House, and the perfect correctness of the statements I have not the slightest hesitation in vouching for:—"If the law were effective, it would unquestionably deprive the community of the services of many of our past and present public men. Certainly many of the old luminaries would never have shone in the British Legislature. Burke, Pitt, Fox, and Sheridan, in my early days, were always notoriously fictitiously qualified. The law has been nearly inoperative as an exclusion. Some few 'conscientious' men have refused to enter the House of Commons on a fraudulent qualification; perhaps a few men of considerable talent have been unable to obtain a fictitious qualification; of the latter there is known only one instance; but he would, if qualified, have represented one of the largest towns in England. Of the number of the House of Commons not legally qualified (the English borough and city Members) I have heard many persons and agents versed in the election system variously speculate. It is generally believed, that one-third at the least have no *bonâ fide* qualification. On the eve of a dissolution of Parliament, dozens of sham qualifications are made by solicitors, often drawn and settled by counsel. One solicitor in London is known, in 'fashionable circles,' as a gentleman who will 'qualify' any candidate, 'respectably introduced to him," for 100*l*., including the stamps. But solicitors of the highest station and unquestionable integrity, do not scruple to manufacture qualifications. It is generally a rent-charge on land or freehold houses. Mr. ——, a successful candidate for a county in 1831, when his qualification was demanded on the hustings, is said boldly to have pulled out of his pocket a rent-charge on his noble brother's estate, executed immediately before. I have prepared many of the same waste paper and valueless documents. In 1830, a friend of mine (worth 600,000*l*. in funded and personal property) was negotiating for a western borough, in which a contest was certain. Two days before his leaving London to see his constituents, or rather the burgage slaves of the boroughmonger he was negotiating with, he bethought himself that he had no qualification. I and his solicitor forthwith in twelve hours gave him one on a lot of old freehold houses. He did not pass his check for the consideration; it was fictitious in that respect. Probably in this case the want of a qualification would never have been suspected. Candidates on the hustings notoriously swear to and state ambiguously described qualifications, and have shifted them when lodged in the House. One well-known case of this species occurred in a cinque port, since the passing of the Reform Bill. Many sham qualifications are made after the returns, and before Members take their seats, their consciences being tender as to declaring themselves qualified on the latter occasion. More of these interregnum qualifications were made previous to the vote for the present Speaker than at any other time. Many posthumous qualifications are, it is well known, ante-dated; but no honourable attorney will lend himself to such an additional fraud. The usual mode is (for safety) to pay in cash before two witnesses, the lender contriving to return the purchase-money immediately, and which is commonly borrowed of a banker for two or three days. Also the parties provide themselves with an actuary's valuation on the purchaser's life, as giving a more actual character to the transaction. Friends often give promissory notes for the qualification instead of the money. Usually the vender holds possession of the deed. In many cases the witnesses are sent abroad, if a petition be presented. To be brief, and being at the end of my paper, the law is a disgrace to the statute book, and ought to be burned by the common hangman." Having shown that the present law is inapplicable and easily evaded, I contend that it ought not to be amended, but repealed; and in calling upon the House to repeal it, I do not propose an innovation, but to return partially to the ancient system, when there was no property qualification, and the electors were, to a great extent, entitled to choose whomsoever, amongst themselves, they thought fit, and the person so chosen, even against his will, could not refuse to serve. A case of this kind occurred in the year 1624, when Sir Thomas Escourt was elected against his will for Gloucestershire. I find one of the questions before the Committee, according to Glanville, in this case is, whether Sir Thomas Escourt was eligible against his own consent and desire; and it was held clearly "that he was, and that no man, being lawfully chosen, can refuse the place; for the county and commonwealth have such an interest in every man, that when by lawful election he is appointed to this public service, he cannot, by any unwillingness and refusal of his own, make himself incapable, for that were to prefer the will or contentment of a private man before the desire and satisfaction of the whole country; and a ready way to put by the sufficientest men, who are commonly those who least endeavour to obtain the place." The ancient principle of constitutional law is evidently this, that the electoral body should be permitted to select as their representatives the persons whom they consider to be fittest, and that the free choice of an intelligent body of electors is a fitter proof of the qualification of the member than any test which can be desired in any law; for the fitness of an individual to be a representative depends upon his ability and willingness to perform the duties of a legislator. These are mental qualifications, which can hardly be ensured by any test specified by law. The only tests which have ever been proposed to be employed are either age, profession, or mode of life, or property. As for age, some persons propose to exclude young men, as being apt to be too rash and too extravagant; but for the contrary reasons old men ought to be excluded, as being far too slow and inert. In this respect the constituent body is the best judge, with whom youth has ever been and ever will be, to a certain degree, an objection; if on either side an exclusion be made, it should be, as in the case of judges in America, with regard to old men, in favour of whom generally a prejudice exists. With regard to the qualification of property, it is certainly no test of the intelligence or knowledge of an individual; on the contrary, the possession of considerable property is apt, by the command over pleasures and luxuries which it confers to tempt an individual away from those laborious pursuits by which alone knowledge can be obtained; the ease with which most of the desires of a rich man can be gratified generally prevents his intelligence being sharpened in the same manner as it would be if he could not satisfy his wishes with so little labour, but was obliged carefully to search for the means of attaining his ends. Thus the possession of considerable property is, on the whole, unfavourable to the development of the mental energies, and if property be taken as a test at all, it should, when in considerable amount, rather be considered as a test of disqualification than of being qualified. The qualification of property is generally advocated on the grounds that a person possessing a certain amount of property is said to have a greater stake in the country, and that he is less liable to be biassed by motives arising from his own pecuniary interests. As for the greater stake in the country, the poorest men are more interested in good laws and good government than the richest—a law which destroys the former merely injures the latter. The poor are easily oppressed—the rich generally can take care of themselves. It is intelligence which teaches the real value of preserving the security of property, and of aiding the accumulation of capital. The mere feeling of clinging to property, which results from the possession of property unaccompanied by intelligence, not unfrequently endangers the security both of property and of capital. It is intelligence, therefore, which is required, and of that property is no test, as I have already shown. As for property being a security for the honesty of any person, I most utterly disbelieve it; undoubtedly a needy man is generally a dishonest man; but need does not depend so much on the amount of a person's property, as on the proportion between his desires and his means of gratifying them. Of this proportion the possession of a certain amount of property is no test. It is said that a poor man is more apt to sacrifice the interests of the community for his own private interests than a rich man. By no means; for all men will sacrifice the interests of the community to their own interests if there be a conflict between those interests, and they can do so with impunity. Now there is as often a conflict between the interests of the rich and the interests of the community as there is between those of the poor man and those of the community. The one may sometimes desire power, and the other money; but all history proves that both generally desire both, and that the only security in such cases is strict responsibility, enforced in the case of Members of Parliament by the greatest publicity given to all their acts, and by frequent elections. It is argued sometimes that a person ought to possess a certain amount of property in order to be enabled to devote his time to his Parliamentary duties. The question here concerns the want of leisure supposed to be indicated by a want of property. That the possession of considerable property is no proof of the individual possessing abundant leisure may easily be proved by the number of learned lawyers in this House, all of whom swear that they possess at least 300*l*. a-year in landed property, and all of whom briefless or not, would equally swear that they never have a moment's leisure from their legal avocations. Upon the ground of want of leisure, all bankers, merchants, all persons in business, should equally be excluded. Who, then, would remain in this august assembly? The country gentlemen to be the representatives of the intelligence, the integrity, the wisdom, and the leisure of the community! This is a consummation for which I should by no means devoutly pray, though Providence has kindly placed me in that most respectable and most favoured class. With regard to the want of leisure, it must always be remembered that a few minutes of the sagacity of one man is worth whole centuries of the dulness of another; of this difference a certain amount of property can be no test; of this the judgment of rational beings can be the only indication; and to the free choice of the constituent body the option ought to be left. It is for this assembly to determine what rules and regulations ought to be enforced upon its members, and if those rules and regulations should be inconsistent with the profession of the member, he would then either abandon his profession or his seat. Very few regulations of this kind exist, though I should think it by no means inadvisable that some rules should be made, by means of which there might be a greater division of employment amongst the Members of this House. I think, Sir, I have sufficiently shown that neither age, nor profession, nor mode of life, nor, least of all, property, are tests either of the intellectual or moral fitness of an individual to be a Member of Parliament; it ought to be left alone to the free choice of the independent electors. For this reason I ask for leave to bring in a Bill to repeal the two statutes to which I have already referred.

Mr. *Leader*, in seconding the motion, addressed the House as follows: The present law of qualification for Members of Parliament is one which would be very mischievous were it rigidly enforced, and which is very absurd, being as it is almost entirely inefficient. According to the principles of representation, the electors ought to have the power to select as their representatives any man whom they may consider fit to represent them, without having their choice circumscribed within the narrow limits of any pecuniary qualification whatever; but in a great commercial country to compel the electors to select their representatives from persons possessing one particular sort of property, namely, property in land, is so clearly contrary not only to all the principles of representative government, but so repugnant to the interests of the community, and so glaringly opposed to reason, that it is scarcely credible that any persons should be found in the present day to uphold so unjust and so unreasonable a law. Although easily evaded, the mere existence of the law produces a bad effect in a moral point of view, and has engendered low and mercenary feelings in a great portion of the constituencies, by directing their attention chiefly to a candidate's pecuniary qualifications; for the law requires nothing of a Member but that he should be twenty-one years of age, and of a sufficient landed estate, as if, forsooth, a man's senatorial capacity were to be measured by the acre. It has thus taught many constituencies to look upon the mere wealth of a candidate as the only test of his fitness, and to regard as a dangerous member of society the man who may offer himself for their suffrages unsupported by the possession of much money or of much land. Besides exciting this low and mercenary feeling, it is unjust, as it prevents the electors from exercising their franchise freely in the choice of their representative, You say to the electors, "You may select a representative, but you shall select him from a certain class only." Now, supposing in the class thus separated by the privilege of qualification from the rest of the community the electors cannot find a man fairly and honestly to represent their interests, and that out of the pale of the privileged class they know a man who would in their opinion so represent them—a man who has been to them a good neighbour and a zealous friend—who has gained their esteem by his conduct, and their admiration by his talent—who has proved to them that he has the head to understand, the heart to maintain, and the tongue to enforce their interests, and wishes, and opinions, yet if such a man be not one of the qualified in land he cannot represent them in Parliament. You may say to him in the words of the Roman satirist,

> "Est animus tibi, sunt mores et lingua fidesque
> Si quadringentis sex septem millia desint
> Plebs eris."

You may be a man of talent, courage, eloquence, and honesty—you may possess the hearts and receive the votes of your friends the electors; but if you have not land enough to qualify you for a seat you never can be a Member of the House of Commons. In such a case the electors have no alternative but to be misrepresented. Another evil of this law is, that where it does not cause blind or mercenary subserviency, it uselessly creates a jealousy on the part of the unqualified and the mass of the people against those who are fortunate enough to possess the necessary qualification. But we are told that it is so easy to evade the law, by procuring a fictitious or a temporary qualification, that no man is really kept out of the House by its operation. Supposing for a moment this to be the case (which it is not) it is but a poor argument in favour of a law that it is so easily evaded as to be almost inoperative. If the law be a good one, that would be an argument for strengthening it; but it cannot be an argument for the continuance of a bad law. As to the origin of this law, and the objects of those who introduced it, a brief consideration of them may be useful, in order chiefly to show, that if ever any necessity existed for such an enactment, that necessity now no longer exists. Up to the commencement of the eighteenth century no pecuniary qualification was required from Members of Parliament. Those honest and independent Members who in the seventeenth century resisted the tyranny of the Stuarts, and laid the foundation of our political freedom, were chosen by their fellow-citizens freely and unrestrictedly; no landed qualification was required from them; yet that man must be indeed sanguine who expects to see assembled within these walls a body of men more zealous in the discharge of their duty, more intelligent or more learned according to the learning of the day, more truly patriotic or more truly fit to represent the opinions of the country. In 1696 a Bill for qualifying Members passed the Commons. The city of London and several other places petitioned against it; amongst others the city of Exeter petitioned to the following effect :—

> "That, according to the qualifications of the said Bill, many persons who have not estates in land, though great personal estates, and prudent citizens, will be rendered incapable to serve in Parliament for the said city, and praying that the ancient rights and privileges of the said city may be preserved."

This petition was received after a division of seventy to fifty-nine. The good citizens of Exeter were not then aware (it seems) of the facility of evading the said law, or perhaps evasion was not so easy in those days. In consequence of these petitions a rider was added to the Bill enabling any merchant to serve for a place where he should himself be a voter, on making oath that he was worth 5,000*l.* in money, thus rendering the Bill rather less objectionable, as it made it rather less exclusive than the present law. This Bill was, however, rejected by the Lords, but in 1711 a Bill for a similar purpose met with more success in the House of Lords, as well as in the House of Commons, and was passed into a law. This law is the foundation of the present Qualification Act, and the provisions of it must be so well known to every Member of the House, that it would be a mere waste of time to enumerate them. In order, however, to show the object and design of the promoters of the Bill, I have taken a few short extracts on the subject from two well-known authors. In the 31st number of *The Examiner*—not *The Examiner* of the present day—like it in talent, but very different in politics—in *Swift's Examiner* of March, 1711—there is the following notice of the Qualification Bill :—

> "As the present House of Commons is the best representative of the nation that has ever been summoned in our memories, so they have taken care in their first Session by that noble Bill of qualification, that future Parliaments should be composed of landed men, and our properties be no more at the mercy of those who have none themselves, or at least only what is only transient or imaginary. If there be any gratitude in posterity the memory of this assembly will be always celebrated."

However property in the funds, leases, and shipping may have been then considered, they are certainly not now looked upon as "transient and imaginary." The prophetic powers of so far-seeing a man as Dean Swift are here proved to be but small, for posterity, instead of being grateful for this "noble Bill," partly evades it and partly wishes to abolish it entirely. Again in the 45th number, June 1711, he says :—

> "The Qualification Bill, incapacitating all men to serve in Parliament who have not some estate in land, either in possession or certain reversion, is perhaps the greatest security that ever was contrived for preserving the Constitution, which otherwise might in a little time be wholly at the mercy of the moneyed interest."

The Bill was not equally acceptable to all persons. Here is the notice of it by Boyer :—

> "This Bill was not generally approved, for

many observed, that by restraining the election of knights of shires to estates of 600*l.* a year, and for citizens and burgesses to 300*l.*, men who, by their natural and acquired abilities, experience and skill in business, are the fittest to serve their country in Parliament, may happen to be excluded, and men of never so indifferent parts chosen, if but qualified in land. That this Act subjects the titles as well as the value of a great many estates (upon controverted elections) to the inquisition of the House of Commons; that it may cause the frequent splitting of freeholds either real, to the decay of good families; or occasional, and thereby be a further cause of land stock-jobbing and perjury. That it may prove a great detriment to trade, by excluding the proper trustees for it, and committing the protection of it to the landed men only, which is a great alteration of our Constitution, it being originally intended that corporations should be represented by some of their own party."

From these extracts, it is easy to see that the object of the promoters of the Bill was to enlarge and confirm the power of the landed interest, which was even then, by such enactments, attempting zealously to restrain and keep down the moneyed or trading portions of the community; there may also have been on the part of some of them an honest fear of an increase of power on the part of the Crown, and a sincere desire by this act to uphold the popular or country party against the corrupting influence of the court. It would be quite superfluous to notice the various and mighty changes which have since taken place in the balance of property and power, and which renders this Act utterly useless now in the view in which it was first proposed. The Act of 1711 was, however, found to be so inoperative, that in 1760, another and a more stringent act was proposed and partly passed into a law. It is thus mentioned by Smollett:—"Subterfuges were discovered, by means of which this law (meaning the law of 1711), relating to the qualifications of candidates, was effectually eluded. Those who were not actually possessed of such estates, procured temporary conveyances from their friends and patrons, on condition of their being restored and cancelled after the election. By this scandalous fraud the intention of the Legislature was frustrated," &c. "Through this infamous channel the Ministry had it in their power to thrust into Parliament a set of venal beggars, who, as they depended on their bounty, would always be obsequious to their will, and vote according to direction, without the least regard to the dictates of conscience, or to the advantage of their country. The mischiefs attending such a vile collusion; and, in particular, the undue influence which the Crown must have acquired from the practice, were either felt or apprehended by some honest patriots, who, after divers unsuccessful efforts, at length presented to the House a Bill," &c. This Bill was finally passed as the 33rd George 2nd, c. 20. Hon. Members who are versed in the affairs of this House, can say whether this Act has had its intended effect, and prevented all fictitious and temporary qualifications or not. In Hallam's Constitutional History, the whole case is thus briefly and ably stated:—"The country gentlemen who claimed to themselves a character of more independence and patriotism than could be found in any other class, had long endeavoured to protect their ascendency by excluding the rest of the community from Parliament. This was the principle of the Bill, which, after being frequently attempted, passed into a law during the Tory Administration of Anne, requiring every Member of the Commons, except those for the Universities, to possess as a qualification for his seat a landed estate, above all encumbrances, of 300*l.* a-year. By a later Act of George 2nd, with which it was thought expedient by the Government of the day to gratify the landed interest, this property must be stated on oath by every Member on taking his seat; and, if required, at his election. The law is, however, notoriously evaded, and though much might be urged in favour of rendering a competent income the condition of eligibility, few would be found at present to maintain, that the freehold qualification is not required both unconstitutionally, according to the ancient theory of representation, and absurdly, according to the present state of property in England." Such is a brief, and I believe, a fair sketch of the history of the Qualification Acts. After thus seeing the objects of the promoters of the Act, the preamble is rather amusing: it is "for securing the freedom of Parliaments," when it ought rather to have been, if truth had been regarded, "an act for securing the power of the landed interest, and restraining the freedom of election." The exemptions from the operation of the act also require some comment. First, we find exempted the eldest son or heir apparent of any Peer or Lord of Parliament, or of any person qualified to serve as a knight of the shire. Now, though the Peer or great proprietor may be a very respectable or a very rich man (it amounts to nearly the same thing in the common acceptation of the term), yet it by no means follows, that his son and heir should inherit his good qualities as well as his privileges; he may have anticipated his reversionary wealth,—he may be the most profligate and the poorest of his class, yet he may dispense with the vulgar form of qualification. But the strangest part of this exemption is, that the very Peer, whose son might claim it might perchance not be himself in the position of a qualified person, for no qualification whatever is required from a man who is made a Member of the House of Lords. The Crown can thus make hereditary legislators from any class, while the people can select their representatives only from one class,—namely, the class qualified by the possession of landed property. The Members for the Universities are next exempted. This exemption was perhaps introduced out of a kind feeling towards the scholars, likely to be returned by those learned bodies, in the idea that scholarship and poverty were frequently companions, or to add one more to their exclusive privileges, or perchance from a profound knowledge of the learned corporations, which led the promoters of the Act to be well assured, that none but rich and powerful men would be considered qualified to represent the seats of learning and religion, or have a chance of gaining the votes of the learned and reverend electors. Lastly, we find the exemption of the Members of that part of Great Britain called Scotland — the plea assigned for this exemption is the smallness of estates in that country; that is, the poverty of the land. Now, notwithstanding the exemption and the plea, it so happens, that no men in this House are superior in any quality which makes men good citizens and able legislators to the Scotch Members. No pecuniary or landed qualification is required from them, and yet they not only possess every other qualification in an eminent degree, but it has been remarked, that of all the Scotch Members, there has scarcely ever been one who was not a man of ample, or at least of independent, private fortune. It is strange, that the exemption should not have been extended to Irish Members, as well as to Scotch Members; for up to the time of what is called the Union no qualification but residence, and a forty-shilling freehold was required from Members of the Irish House of Commons; and even that qualification had been repealed by 14 George 3rd, c. 58, as having "been found by long usage to be unnecessary, and as having become obsolete." The same words may justly be applied to our existing acts, with this addition, that they are foolish, mischievous, and inefficient. Nothing has been said, because nothing was required, as to the inefficiency of the law; it is as notorious as the most commonly-received fact, that the law of qualification is a mere legal cobweb which disfigures the statute-book, and which small flies as well as great can break through with perfect ease. Ireland has indeed lost the services of two of her representatives through the operation of the act in this very Parliament—but that was chiefly owing to some oversight in the manner of making out the necessary qualification. These, then (it appears to me), are the reasons for repealing the present qualification law; it is bad in principle—contrary to the ancient constitution—unjust to the electoral body. It is notorious to all men accustomed to parliamentary business, that it is so easily evaded as to be almost entirely inoperative; the object for which it was passed has been entirely defeated; if ever a necessity for it existed, no necessity for it exists now. Its existence in the case of England, Ireland, and Wales, produces no good; its absence in the case of Scotland causes no evil; but its continuance in the statute-book, though almost a dead letter, has caused, and does still cause, a bad moral effect on the constituencies. There is no good reason for allowing it to remain in existence; it has long ceased to have any force; and there are many reasons for its repeal. This being the case, I confidently call on the House to agree to the motion of my hon. Friend, the Member for East Cornwall.

Mr. *Arthur Trevor* could not avoid expressing his opinion, that a more obnoxious or objectionable measure than that proposed by the hon. Baronet had never been suggested in that House. It was even so mischievous in its tendency, that he felt justified in at once taking the sense of the House against its admission. The present measure was one of no ordinary importance. The object of it evidently was, to attempt, to lessen the dignity of that most respectable and important class in the country—the country gentry of England. He recollected, that the hon. Baronet had said, that Providence had placed him in that class. He deeply regretted, that the hon. Baronet had so much forgotten the bounty of Providence, as to propose a motion of this kind. With respect to the arguments adduced by the hon. Member for Bridgewater, in support of the motion, he would only say, that he did not consider, that there was any force or weight in them. The hon. Member said, that there had been so many changes since the commencement of the last century, that property had so much increased, and wealth was diffused among so many classes of the community, that they should get rid of the qualification as being altogether unnecessary. Now, in his opinion, this was an additional reason for maintaining the law. Those who aspired to the honour of a seat in that House, should have something like a stake in the country, instead of men without any property being elected the representatives of the people. It was said, that the present law was often evaded; they should not, on this ground, get rid of it, but take such steps as would put it in force. At the present time, when novelty was the order of the day, it might appear to be impolitic to endeavour to oppose what was called the tide of improvement, but which, in his opinion, was nothing more nor less than the tide of innovation and mischievous interference. By getting rid of the qualification, they would open the door for men to get into that House, who would have to legislate on property, in which they had not the least interest. This certainly might be a good argument with those who had no property; but he was sure, that it would have no influence in that House. To such as regarded the maintenance of the dignity of that House, and who also believed, that the security of property would be best upheld by those who had some interest in it, he would say, that he was satisfied, that there was not a single individual who would not divide with him against the proposition of the hon. Baronet. He would only add, that he was determined to take the sense of the House on this motion.

Mr. *Ewart* was not going to occupy the time of the House at any length, but he could not suffer the question to go to a vote without making a few observations. He was exceedingly glad that the hon. Member who had just addressed the House had risen to oppose the motion of his hon. Friend, for by doing so he vindicated the former proceedings of the party to which he belonged on this subjuct. It ought not to be forgotten that it was the Tories of the time of Queen Anne who introduced a Bill imposing a landed qualification on Members of t at House. He was glad to find that the hon. Member for Durham had risen in opposition to his (Mr. Ewart's) hon. Friend's proposition; for he begged the House to recollect that the hon. Gentleman himself was enabled to sit in that House without a property qualification; he was qualified by being the son of a Peer. The hon. Member had stated that the doors of that House were, under the present law, open to any man of talent in the country who could get a constituency to elect him. This, however, was not the case; for was the hon. Member not aware that one of the most distinguished men of the last century was excluded from that House in consequence of not possessing the proper qualification. Again, there was a recent case of a man of eminent abilities being excluded from the House on this ground to which he was sure the hon. Gentleman could not object on the ground of orthodoxy—he alluded to the case of Dr. Southey, who was elected Member for a borough, and who did not take his seat, because he could not conscientiously swear to the possession of a qualification. The Acts which it was now proposed to repeal were founded on the assumption that the amount of wealth was equivalent to the amount of independence. This was a most absurd and fallacious notion; for a person of comparatively small income, provided he lived within it, was certainly in more independent circumstances than a man of large possessions whose wants exceeded his income. As a remarkable instance of the union of comparative poverty and independence, he would refer to a well-known circumstance connected with the life of that pure-minded and distinguished man, Andrew Marvel a name that could never be forgotten in connexion with the history of this country. Who could forget the remarkable observation of the Earl of Danby, who waited upon the patriot in his humble lodging for the purpose of corrupting him, and who, on observing his frugal repast, turned to his attendant, and said—"Damn the man; it is impossible to tempt him." Previous to the year 1710, no property qualification was required in a Member of Parliament. In that year the Tory majority of the House of Commons chose to dictate this Bill, which Lord Godolphin and the Whigs of that day, to their honour, resisted to the utmost, and he (Mr. Ewart) was sure that he should find that the Whigs of the present day would follow the example of their ancestors with respect to the object of the present motion. Nothing could be more absurd than that the son of a Peer should be admitted without a qualification, when it was possible that the Peer did not possess any landed property. For instance, he would take the case of the son of a bishop; such a person, if elected a Member, might take his seat without a qualification, *virtute originis*. It appeared that Scotland had been without a pecuniary qualification for its Members, and no country could be more admirably represented than that part of the empire was. Was it not notorious that the Scotch representatives were the best Members in that House always acting independently, and were the constant scourge of the Tory Members opposite? The present state of the law on this subject was contrary to sound principles of morality, and was of not the least practical utility. A property qualification of any description would be evaded in the same way that a land qualification had constantly been. The example of Scotland triumphantly showed that the real question as to a candidate's qualification to sit in Parliament could be left with the utmost safety to the good sense and discretion of the electors; and there was no reason for supposing that the electors of England were less endowed with good sense and discretion on this matter than those of Scotland. He should warmly support the hon. Baronet's motion.

Mr. *Warburton* remarked, that if he was not mistaken, he heard, during the discussion of the Reform Bill, a noble Lord, then Chancellor of the Exchequer, but now a Member of the other House of Parliament, observe, that a gentleman not possessed of a landed qualification, but possessed of personal property, never had any difficulty in procuring a colourable qualification. Now, what the noble Lord recommended indirectly, he recommended the House to do directly. If property of any description would procure a qualification for that House, he did not say that they should get rid of a landed qualification, but that they should at least allow another kind of property to confer a qualification as well as landed property. He believed there were many Gentlemen who did not wish to get rid of a qualification altogether, but who admitted the other principle, that every description of property ought to give a qualification. Hon. Members, then, who entertained these sentiments ought not to array themselves against the introduction of this Bill, because when they got into Committee an opportunity would present itself of modifying the Bill by the introduction of clauses framed for the purpose of allowing every description of property to confer a qualification.

Mr. *Maclean* would only trouble the House with a few words in reply to the observations which had fallen from the hon. Members opposite. For his own part, he could not conceive that the objects for which the qualification in question had been originally introduced were no longer desirable or practicable, nor could he bring himself to believe that circumstances had so materially changed, that the House was called upon to declare that no qualification was necessary for admission among its Members. He might be disposed to entertain the proposition that all property should in this respect be placed on the same footing, but to the second he could not agree—namely, that because he might not be unfriendly to a qualification of this kind, he was bound to permit this Bill to be introduced, that Bill being to abolish all property qualification, for the purpose of modifying it in Committee, by the introduction of clauses enacting that personal property should confer a qualification as well as real estate. But, in point of fact, those who had personal property, rarely were unable to procure a landed qualification. He remembered the case of a Mr. Fairley, who, when he was going up to the poll after dinner, recollected that, although he was possessed of some landed property, he had not enough to give him a qualification, he having at the same time personal property to the amount of 100,000*l*. He subsequently, after the election, made a *bona fide* purchase of real estate, more than sufficient for a qualification, but it was decided that the purchase was made too late, and that he was disqualified to sit. Now, there was a case which he thought did call on the House for a remedy. He was not prepared to assert that men with sufficient personal property were not equally eligible with those who possessed a qualification arising from landed estate, but he must say that he looked with some suspicion on a Bill which was introduced for the purpose of abolishing all property qualification whatever. If they permitted a Member to be introduced from the body of the *canaille*, if it should so happen, they would have a qualification in the case of the electors, while they had none in the case of the elected. They would, therefore, advance a step, and a very material one, towards universal suffrage. Now, under these circumstances, he thought that the Gentlemen opposite, who were not quite prepared to say that they preferred so extended a system of voting as universal suffrage, should not further that object by supporting the present motion. He could not but admire the new-born zeal of hon. Gentlemen opposite for their practice of the Constitution. It was really delightful to see them, when they were accused of wishing to destroy the Constitution, taking measures to restore it to its pristine vigour, and re-establish the system of representation which formerly prevailed. He had only risen to say a few words, and therefore he would not trespass on the House longer.

Mr. *Hume* observed, that the hon. and learned Member for Oxford seemed greatly alarmed lest this measure should constitute a step to the system of universal suffrage. That was the ancient practice of the Constitution—and yet the hon. and learned Member laughed at his hon. Friend, the Member for Cornwall, because he was in this instance inclined to support our ancient institutions. The difference between his hon. Friend, the Member for Cornwall and the hon. and learned Member for Oxford was, that the former would support such of our ancient institutions as were good, and would abolish such of them as were bad, whilst the latter supported them all indiscriminately and drew no distinction between the good and the bad. He wished to ask the hon. and learned Member whether the Constitution of England dated from the 10th of Queen Anne? He contended that those persons who were qualified to elect, ought if a constituency approved of them, to be also qualified to be elected; and that the contrary doctrine —which insisted upon a pecuniary qualification for the elected—imposed a grievous restriction upon the electors. In Scotland the electors were simply called upon to elect an honest man. How could they in Scotland elect an honest man — since they were not bound to elect a rich man? The hon. Member referred in support of his opinions to an extract from a treatise on the electoral system by Mr. Bayley, of Sheffield—a treatise which he eulogised as well worthy the perusal of every Gentleman who wished to do his duty by the country. In that treatise Mr. Bayley said, that "the effect of a pecuniary qualification was, to narrow the choice of the electors, and that it was a limitation which was scarcely ever of any service, whilst on many occasions it very probably did great harm." He fully agreed with Mr. Bayley in that sentiment. It did harm, and great harm for it excluded from Parliament many moral and religious men who were too independent to be influenced by a court, and too intelligent to be deluded by the artifices of a sophistical Minister. "It had given rise," continued Mr. Bayley, "to perjury to a very great extent;" and that was, in his opinion, a sufficient reason why it ought to be abolished. He called upon those who arrogated to themselves all the virtue, and sanctity, and religion of the House to join with him in getting rid of this abominable system of falsehood and perjury. He had his eye upon several Gentlemen who had always religion in their mouths, and who yet were stanch supporters of the present system. With their eyes turned up and their hands turned out, they were perpetually exclaiming 'Will you not obey the dictates of God? Will, you not acknowledge an over-ruling Providence?" He should look upon such gestures and such language as sheer hyprocrisy, if they did not join in the attempt to abolish a system which led to such continual perjury. The present law did not prohibit the electors from electing as their representatives a fool, a gambler, a seducer of innocence, a liar and a swindler, provided he had the necessary amount of landed property. No matter what his misconduct might be, no matter how ignorant and how illiterate he might prove, the electors were not prohibited from sending any man who had the necessary property qualification to Parliament — they were only prohibited from electing the moral, and religious, and independent man, who had not the necessary amount of dirty acres. In conclusion, he insisted that there was no use in imposing a pecuniary qualification which was every day evaded, and he therefore hoped that the House would give his hon. Friend leave to introduce his Bill abolishing qualifications for Members of Parliament altogether.

Lord *F. Egerton* observed, that the hon. Member for Middlesex had laid down the proposition that whoever was fit to be an elector was also fit to be elected. Now, if that were true, the converse of his proposition was not unlikely to be true also—namely, that as the qualification of the elected was abolished, the same rule ought to be applied to the qualification of the elector.

Mr. *Hume*, in explanation, observed, that what he had said was, that the persons qualified to elect might, if the electors thought fit, be elected.

Lord *F. Egerton* had understood the hon. Member to say so, and was arguing that the effect of his proposition was to do away with the qualification of the electors, as well as with that of the elected. The one proposition followed as a corollary from the other, and that being the case, he should oppose the introduction of the present measure, as it looked like the first step to universal suffrage.

Mr. *O'Connell* said, that when universal suffrage should be proposed to the adoption of the House,—and he hoped that it would soon be proposed to its adoption,—the argument against it must be founded on stronger reasons than the imaginary fears expressed by the hon. Members opposite, if they intended it to prove successful. He should certainly support the present motion. Scotland had at present no pecuniary qualification. Ireland had no pecuniary qualification up to the period of the Union. England had no pecuniary qualification in the reign of the Edwards, the Henries, the Charleses, and the Jameses; and it was not till the glorious reign of Queen Anne that it was imposed. It was introduced at that time for party purposes, was it right to keep it up for party purposes now? It had been said that "mischief was so precious a thing that it ought not to be thrown away or wasted needlessly." He would say to the hon. Member for Durham, who had that evening made what he called his first attempt at opposition, that opposition was so precious a thing that it ought not to be wasted or thrown away upon any measure affecting the rights of those whom he had been pleased to call the "lower orders," and whom the hon. and learned Member for Oxford had styled the *canaille.* All Englishmen were equal in the eyes of the law. What Englishman was, or could be, lower than the hon. Member for Durham?

Mr. *Arthur Trevor* asserted, that he had not said one word in his speech about the lower orders.

Mr. *Maclean* admitted that he had used the word "*canaille*," but the House knew well what he meant by it. Was there not a *canaille* in every country?

Mr. *O'Connell* appealed to the speech of the hon. and learned Member for Oxford, in support of his notion, that the hon. Member for Durham had used the words "lower orders." He repeated, that the hon. Member had talked about the lower orders. He believed that the hon. Member had also said, that there was a tag-rag and bob-tail.

Mr. *Arthur Trevor:* I appeal to you, Mr. Speaker, whether the hon. and learned Member for Kilkenny is authorised by the usages of Parliament, in imputing to me *ad libitum*, expressions which I never used, and which I have already disclaimed. I did not speak of the lower orders. What I said was, that one of the evils likely to accrue from the introduction of the present measure was this—that a mendicant in the streets might be—I did not say that he would be—sent into this House to legislate for those who had millions of property. I never used any such expression as tag-rag and bob-tail. The phrase belongs to the hon. and learned Member's own vocabulary.

Mr. *O'Connell* admitted that he might have been mistaken on the point; but, if so, his mistake had also been shared in by the hon. and learned Member for Oxford. [Mr. *Maclean:* "No."] The hon. and learned Member for Oxford, however, admitted that he had used the word, "*canaille.*" Now he objected to the use of the word "*canaille*" quite as much as he did to the words "lower orders." It was an expression which ought not to be applied to any portion of the freemen of England. He wanted a plain answer to this question—"Does the possession of a pecuniary qualification increase the moral value of the party enjoying it?" He also wanted to know whether there was not a tendency in human nature to respect wealth, and whether wealth had not a preponderating influence, when it was directed against the rivalry of the poor? The wealthy man, in a contest with the poor man, had inducements to offer which were not within the poor man's reach. Was it not then clear, that if the poor man succeeded against the rich man, in a popular election, he must compensate by the higher qualities of talent and virtue for his want of wealth? If elected under such disadvantages, would he not enter the House with a stamp of merit impressed on him, by his constituents raising him high above the standard of mere wealth? He contended, that they ought to leave to the people of England the same unrestricted choice of representatives that was now enjoyed by the people of Scotland. Had the hon. Members opposite, who, in their eagerness to get up Conservative operative societies, had found it expedient to court and flatter the "*canaille*"—had those hon. Members a right to place themselves in the gap, and say, "a Bill for abolishing pecuniary qualifications for Members of Parliament shall not be brought in?" Such language was not couched in that spirit of courtesy which the hon. Members opposite had displayed of late towards the people, for the purpose of cajoling them out of their votes. He advised them not to set the people again at defiance, by stating that, however intelligent, however moral, and however virtuous they might be, they should have no entrance into that House, unless they were blessed with the gifts of fortune. He hoped that the hon. Gentlemen opposite would allow this Bill to be brought in.

Lord *John Russell* said, that he had certainly come down to the House prepared to support the motion of the hon. Member for Cornwall, had it been couched in the same terms in which it was entered in the order-book—that is, had it been a Bill to amend, and not to abolish, the laws with regard to the property qualification of Members of Parliament. He had come down prepared to contend, that it was not expedient to make laws which you did not wish, and which you did not expect to be obeyed. No one, he believed, now thought it necessary that a Member of Parliament for a city or borough should possess 300*l.* a-year in landed property. All seemed to be agreed that a merchant worth 500,000*l.*, should have a right to sit in the House, even though he were not in possession of an acre of land. He did not think it expedient that they should hold out to the country, that they were determined to retain on the statute-book a law, which was, or might be, the constant subject of evasion. Besides, the present law was not a part of our ancient constitution. He believed that our cities and boroughs anciently sent to Parliament as their representatives, men who were, strictly speaking, citizens and burgesses, and who, as such, followed some trade or profession, and were not persons enjoying a landed qualification. How had the change with respect to qualification been brought about? It was effected in the reign of Queen Anne, owing to the jealousy which then unfortunately prevailed between the landed and the trading interest. The trading interest was known to be favourable to the Hanoverian succession, and to those principles of liberal policy which did not suit the taste of the landed gentry. To check the increase of the trading influence, the landed interest introduced into our Parliamentary system an innovation, whereby the citizens and burgesses representing our cities and boroughs were no longer citizens and burgesses in the strict sense of the term, but gentlemen with landed qualifications. He thought that it would be a great improvement, if the House were to adopt some such amendment of the law of qualification, as that which had been proposed by the hon. Member for Bridport. It scarcely ever happened that a Gentleman took his seat in that House, without being in possession of some property, but it happened very often, that gentlemen took their seats in it in consequence of evading, and, he might even say, of committing a fraud upon, the law. He therefore agreed with the hon. Member for Bridport, that it would be better to amend the law relating to the pecuniary qualification of Members of Parliament, than to abolish it altogether. He did not apprehend that any great evil would ensue, even if the property qualification were to be abolished altogether, for he believed that the sense of the people of England might fairly be trusted with the election of their representatives. He thought it, however, better to have a Bill introduced, amending the present law of qualification, in which the changes necessary to be made might be considered in detail in the Committee, than to have the property qualification abolished at once altogether. That being his opinion, he could hardly bring himself to vote for the motion of the hon. Member for Cornwall, in its present form.

Sir *William Molesworth* said, that the terms of the motion, of which he had given notice, had been erroneously entered in the order-book. There had been some mistake about them; for he had never intended to bring in any other Bill than that on which his motion was founded, and that was a Bill for abolishing the property qualification altogether.

Mr. *Charles Buller* recommended his hon. Friend, the Member for Cornwall, to adopt the suggestion thrown out by the noble Lord, at the head of his Majesty's Government, as it was likely to lead to a practical result, and, as the present was not a time for disputing about the splitting of straws, he thought that there ought to be as few lies on the statute-book as possible, and this Property Qualification Act was a very great lie indeed. The proposition of the noble Lord opposite, as to the necessity of electors being without qualification if the elected were, was a striking *non sequitur*, and amounted to as great an absurdity as the proposition of Dr. Johnson—

"Who drives fat oxen should himself be fat."

Gentlemen on the other side of the House seemed to think, that a Member of Parliament who had little or no property, could not be honest. Now, in the course of his short political life, he had met with some dishonest politicians in that House, and he must say this, that some of the richest men in Parliament, had been the dirtiest and shabbiest fellows in politics that he had ever known. He might not be a disinterested witness on this point, as he himself was known to be a poor man.

Viscount *Ebrington* also recommended the hon. Member for Cornwall to adopt the suggestion of his noble Friend below him, and to bring in a Bill in conformity with the terms in which his motion was entered in the order-book. At the same time, if the hon. Member for Cornwall were not prepared to accede to that suggestion, he should be prepared to give his vote in favour of the hon. Member's present proposition. In former times, when Peers of Parliament nominated Members for cities and boroughs, at their pleasure, and when one facetious Peer threatened to send his black servant as a Member into that House, a property qualification might have been of some service; but it could not be of any service now that the people had recovered their place in the constitution, and were enabled to choose their own representatives. When he knew that men of high honour, but of small fortune, did not scruple to accept a property qualification from their friends, and to swear at the table that they had a sufficient property qualification, although they had taken it on the express understanding that they were not to touch any portion of its proceeds,—when he knew that there had been hundreds of such cases in former Parliaments, and that there might be hundreds of such cases in this Parliament, he could not refrain from thinking that it was high time to make a change in the law on the subject. If he wanted another reason for getting rid of this strange anomaly in the law of England and Ireland, he could find a sufficient one in the example of Scotland. He would ask, what Members of the House were better qualified to perform their Parliamentary duties, what Members were more enlightened or more independent, than those who were sent to them from Scotland, and from whom no pecuniary qualification was demanded? Considering the present law, then, to be mischievous in its effects, and to be still more mischievous, in being deemed, by common consent, inoperative, he should certainly vote in favour of the motion of the hon. Member for Cornwall, in case he pressed it to a division. Before he sat down, he could not help calling upon the House to look at some late proceedings of their own. It was not more than three or four nights since a Committee had been appointed to inquire into the fabrication of fictitious votes in Scotland. Now, with what consistency could they examine into the fabrication of fictitious votes, on behalf of the electors, when they refused to entertain a measure for getting rid of fictitious qualifications on the part of the elected?

Mr. *Wakley* should not have said a word upon the present occasion, had it not been for an expression which had fallen from the hon. Member for Durham. That hon. Member, in opposing the introduction of this Bill, had asked this question—"Why are we sent here? Are we not sent here to protect the landed, and the monied, and the commercial interests of the country?" What a question was that for a legislator to ask! Was that all that hon. Members were sent to that House for? Were they not sent there to protect the rights and liberties of the people of England? [*Hear! hear!*] The hon. Member for Durham cried "Hear, hear," but these were points which the hon. Member had entirely forgotten and omitted from his speech.

Mr. Arthur Trevor rose to order, but

The *Speaker* informed him, that it was not in his power to enter into any explanation o his words then, without the leave of the hon. Member for Finsbury, who was in possession of the House. When that hon. Member had concluded his observations, then would be the time for the hon. Member for Durham to explain.

Mr. *Wakley* would intimate to the hon. Member for Durham, that the people required their rights and liberties to be protected in that House, and what rights were more important than the rights of labour? and yet they were wholly unrepresented in that House. He repeated, that they were unrepresented in that House. Why, were not the working men of this country in a constant state of anxiety, from the belief that they were wronged in that House, and that they had no one scarcely in it to champion their cause? He should be glad to see some working men sitting in that House—for sure he was, that the country would never be in a permanent state of peace until some working men did sit within its walls. If such men had seats in that House, they would learn something of the difficulties which obstructed the course of legislation, and having acquired that knowledge, would communicate to their friends out of doors, the various obstacles which stood in the way of making good, sound, and useful legislation. There were not thousands, but millions, of workmen, who felt that they were not adequately represented in that House. Why, he would ask, was 300*l*. a-year fixed as a property qualification for a Member of Parliament? Because it was supposed that those who had 300*l*. a-year within, would sympathise with those who had 300*l*. a-year without the walls of Parliament. He was astounded that the hon. Gentlemen opposite, who had made such immense exertions during the autumn to get up Conservative operative associations,—in which he could say, from his own knowledge of the feelings of the working classes, that they had miserably failed,—he was astounded, he repeated, that those hon. Gentlemen should not exhibit some sympathy with the working classes, by allowing the introduction of this Bill, which would operate so much to their advantage. He hoped, notwithstanding what had fallen from the noble Lord, that he should, upon reflection, be induced to vote for the motion of the hon. Baronet. The noble Lord would find himself grossly deceived, if he thought that the course he was pursuing could conciliate Members on the other side of the House; such a course could not conciliate enemies, and was greatly calculated to shake the confidence of friends. Its effect upon the people would be, to excite in their minds a feeling that they had been betrayed, and he did not hesitate to say, that until a radical change took place in the constitution of that House, the opinion would be very generally entertained out of doors, that the people were not fairly represented.

Mr. *A. Trevor* begged to say, that he had described that House as representing the landed, the commercial, and the monied interests of the United Kingdom; and, he added, that hon. Members were bound to protect the rights, privileges, and immunities of those who had sent them to Parliament.

Sir *W. Molesworth* briefly replied, he could not comply with the request of the noble Lord; but, under the influence of a strong feeling of duty, must take the sense of the House on the question which he had brought under its consideration. He should call upon the House to pronounce its decision upon the broad principle involved in his motion. He should call upon them to determine whether the free choice of intelligent men did not constitute a better qualification to sit in that House, than the possession of any amount of property.

The House divided on the original motion:—Ayes 104; Noes 133: Majority 29.

List of the AYES.

Adam, Admiral
Attwood, T.
Bagshaw, John
Baines, Edward
Barclay, David
Barnard, E. G.
Beauclerk, Major
Bernal, Ralph
Blackburne, John
Blake, M. J.
Bodkin, J.
Bowring, Dr.

Brabazon, Sir W.
Brady, D. C.
Bridgman, Hewitt
Brotherton, J.
Buckingham, J. S.
Buller, Charles
Bulwer, Edw. E. L.
Butler, hon. P.
Campbell, Sir J.
Chalmers, P.
Chichester, J. P. B.
Clay, W.
Divett, E.
Duncombe, T.
Ebrington, Lord
Elphinstone, H.
Ewart, W.
Finn, W. F.
Fitzsimon, C.
Fort, John
Gaskell, Daniel
Gillon, W. D.
Grattan, Henry
Grote, George
Gully, John
Hall, B.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Holland, Edward
Hume, J.
Hutt, W.
James, W.
Jervis, John
Lister, E. C.
Lushington, Charles
Lynch, A. H.
M'Leod, R.
Maher, John
Marjoribanks, S.
Marshall, William
Marsland, Henry
Mullins, F. W.
Murray, J. A.
Nagle, Sir R.
O'Brien, C.

O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
Oliphant, Lawrence
Ord, W. H.
Oswald, James
Palmer, Gen.
Parrott, Jasper
Pattison, J.
Philips, Mark
Ponsonby, hon. J.
Potter, R.
Poulter, J. S.
Power, J.
Pryme, George
Roche, William
Roche, D.
Roebuck, John A.
Ruthven, E.
Scholefield, Joshua
Sharpe, General
Steuart, R.
Strangways, hon. J.
Strickland, Sir G.
Strutt, Edward
Stuart, Lord D.
Stuart, Lord J.
Stuart, V.
Talfourd, Sergeant
Tancred, H. W.
Thompson, Colonel
Thornley, Thomas
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Walker, C. A.
Wallace, Robert
Warburton, H.
Ward, H. G.
Whalley, Sir S.
White, Samuel
Wilks, John
Williams, W.

TELLERS.

Molesworth, Sir W.
Leader, J. T.

List of the NOES.

Ainsworth, P.
Alston, R.
Ashley, Lord
Attwood, M.
Bailey, J.
Barclay, Charles
Baring, Francis T.
Baring, T.
Beckett, Sir J.
Bentinck, Lord G.
Bethell, Richard
Bewes, T.
Blackstone, W. S.
Bonham, R. Francis
Borthwick, Peter
Bramston, T. W.
Brownrigg, S.
Bruce, C. L. C.

Byng, G. S.
Canning, hon. C.
Canning, Sir S.
Chisholm, A.
Clerk, Sir G.
Clive, hon. R. H.
Colborne, N. W. R.
Cole, hon. A. H.
Collier, John
Compton, H. C.
Conolly, E. M.
Corry, hon. H. T. L.
Cowper, hon. W. F.
Crawley, S.
Dalbiac, Sir C.
Donkin, Sir R.
Duffield, Thomas
Duncombe, hon. W.

Eastnor, Viscount
Eaton, Richard J.
Egerton, Lord Fran.
Fancourt, Major
Fector, John Minet
Fielden, W.
Fitzsimon, N.
Fleetwood, Peter H.
Follett, Sir W. Webb
Forster, C. S.
Freshfield, J.
Gaskell, J. Milnes.
Gordon, R.
Graham, Sir J.
Greene, T.
Grey, Sir G.
Grimston, Viscount
Grimston, hon. E. H.
Halford, H.
Halse, James
Hamilton, Lord C.
Handley, H.
Hardy. J.
Harland, W. Charles
Heathcote, G. J.
Henniker, Lord
Hinde, J. H.
Hodges, T. L.
Hogg, James Weir
Hotham, Lord
Howard, R.
Howard, P. H.
Howick, Viscount
Humphrey, J.
Jackson, Sergeant
Jephson, C. D. O.
Jones, T.
Irton, Samuel
Kerrison, Sir Edw.
Kirk, Peter
Knight, H. G.
Law, hon. C. E.
Lawson, Andrew
Lefevre, C. S.
Lefroy, Anthony
Lefroy, Thomas
Lewis, David
Longfield, R.
Lucas, Edward
Lygon, hon. Gen.

Mackinnon, W. A.
Maule, hon. F.
Miles, William
Mordaunt, Sir J., Bt.
Nicholl, Dr.
Norreys, Lord
North, Frederick
O'Ferrall, R. M.
Ossulston, Lord
Parker, John
Patten, John Wilson
Perceval, Col.
Phillipps, Charles M.
Plumptre, John P.
Pringle, A.
Reid, Sir J. R.
Richards, J.
Richards, R.
Rickford, W.
Robinson, G. R.
Ross, Charles
Rushbrooke, Col.
Russell, Lord J.
Sanderson, R.
Sandon, Lord
Scott, Sir E. D.
Scourfield, W. H.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Somerset, Lord G.
Stanley, E. J.
Stewart, John
Sturt, Henry Charles
Trevor, hon. G.
Troubridge, Sir T.
Vere, Sir C. B., Bt.
Vesey, hon. T.
Vyvyan, Sir R. R.
Walter, John
Williams, Robert
Wilson, H.
Wood, Colonel
Worsley, Lord
Wortley, J. S.
Wynn, rt. hon. C. W.
Young, G. F.

TELLERS.

Trevor, hon. A.
Maclean, D.

PATENT LAWS.] Mr. *Mackinnon* moved for leave to bring in a Bill to alter and amend the Patent Laws, and for better securing to individuals the benefit of their inventions. He would first remind the House of the importance in a commercial and manufacturing country of stimulating ingenious and enterprising men to devote their minds to improved means of practising the useful arts, and of otherwise promoting social advancement by their inventions. It was scarcely necessary for him to suggest that facilitating the acquisition of patents was amongst the most effective modes of advancing the best interests of society. He admitted, that notwithstanding the imperfect condition of the law of patents, there had been a vast accumulation of ingenious inventions, but he desired to know why any penalty or inconvenience should attach to the acquisition of a patent beyond what was barely necessary, especially in a country the prosperity of which so materially depended upon the encouragement of ingenuity and enterprise. Some years ago, it was said, that the weight of the public debt would for a long time to come, so oppress the energies of England, that she could never again hope to see prosperous days. We now owed 800,000,000*l.* of debt, yet we were prosperous, and why? It was surely no sudden improvement of our soil, no unexpected acquisition of territory. It was chiefly effected through the wonderful improvements which had been made in our manufactures, and if the Legislature denied that facility to the taking out of patents, which clearly ought not to be denied, they must abandon the hope of that further extension of improvements by which alone our commercial and manufacturing eminence could be maintained at its present level. There was no express statute according to which patents might be granted—he meant that the granting of them did not rest upon a foundation of statute law, for the statute of James 1st. merely went to enable the King to relax existing monopolies, and to grant certain privileges for twenty-one years. The expense which attended the taking out of patents, at present, was enormous, and ought to be lessened. When an individual wanted to protect any right to which his inventions fairly entitled him, it was necessary that he should present a petition setting forth that the invention was his own; it then became requisite, that he should obtain a warrant under the King's sign manual, and to get this he had frequently to go about from office to office, and be exposed to a vast amount of trouble for a period varying from six to eight months, and before he could extend his patent rights to Great Britain, Ireland, and the colonies, he must be at an expense of from 350*l.* to 360*l.* It was really very hard that a public benefactor, for inventors of the class to whom he referred were public benefactors, should have for so long a time to dance attendance after the Attorney-General, a public functionary who, besides his other official duties, had his attention distracted by the claims of his clients, of his constituents, and of his duties in the House of Commons. The change which he proposed to introduce would embrace the appointment of three Commissioners by the Crown, with power to receive, consider, and decide upon petitions for patents to be granted with the King's sign manual, those Commissioners having power to make, with the sanction of the Lord Chancellor, such bye-laws relative to expediting the grant of such patents as from time to time they might see necessary. The hon. Gentleman read an extract from the evidence given by Mr. John Smith, a Sheffield manufacturer, before the Committee on arts and manufactures, in which the system of piracy practised by certain individuals connected with the Sheffield trade was strongly reprobated, and in which it was further alleged, that the manufacturers must give up their patents altogether, unless legislative protection be extended to them. The hon. Gentleman also proposed, that the same gentleman, in whom would be vested the power of conceding patents, should be also Commissioners for granting licences to persons who were the inventors of original designs, models, drawings, and casts; and that they should have the power of opening a gallery, in which such designs, models, &c., should be exhibited to the public; that a certain sum (say 1*s.* or more) should be charged to the public for liberty to inspect the contents of this gallery; and that the individuals applying for such licence be liable to an expense of from 8*l.* to 10*l.* for registering such designs, casts, and drawings. Upon the registry being made, and the specified sum paid by the applicant for a licence, he proposed that a certificate should be given to him, by virtue of which he would enjoy the exclusive right to his invention for one year, and obtain the advantage of having it exhibited for a season. Such a plan as this, he thought, if adopted, was likely to bring a larger sum into the Exchequer. It was a portion of his plan to give compensation to those who now received fees upon the registration of patents. At present he believed that the amount paid on patents, in stamp duties, and other duties was, on an average for the last ten years, 9,950*l.* a year. Assuming that it was 10,000*l.* a year, and the amount of perquisites 20,000*l.* the whole amount for which compensation was to be given was 30,000*l.* That was the whole amount for which the Commissioners could be called upon by the Chancellor of the Exchequer and others. He believed, that, under the plan laid down in his Bill, the Commissioners would receive, not 30,000*l.* but 120,000*l.* a year. Assuming that the expense of the Commission, the payment of the secretary and other officers, the maintenance of the gallery and other items, amount to 10,000*l.*, then there would be 40,000*l.* to be deducted, and 80,000*l.* left for the benefit of the public. It was, he thought, of the utmost importance, that some such a measure as this should be adopted, but while he proposed it he was perfectly conscious it never could be carried without the co-operation of his Majesty's Government. The hon. Member concluded by moving for leave to bring in a Bill to alter and amend the patent laws, and for the better securing to individuals the benefit of their inventions.

The *Attorney-General* did not rise for the purpose of opposing the motion. He felt the importance of the subject: and he was one who considered it most desirable that those who made discoveries, and were the authors of new inventions, should have an easy manner of availing themselves of their discoveries, and the full benefit of their inventions. At the same time, he begged to assure the hon. Member, that there had been for some time a commission appointed by his Majesty's Government, and which was presided over by the hon. Member for Chester, the attention of which was directed to this subject. He believed that without any expensive establishment, such as that which had been suggested, the machinery which was now in existence would be perfectly effectual. He thought that whatever sum was to be paid should be paid at one office, and upon that being done the patent to be taken out. He intended to examine the Bill with candour, but he thought from what he had heard of it, that he could hardly give it his support, however anxious he was to remove the evil of which such just complaints were made.

Dr. *Bowring* thought this a subject of the greatest importance. There could be no doubt that the present patent-law required many extensive changes. He was afraid that the machinery proposed by the hon. Gentleman (Mr. Mackinnon) could not be rendered available for this purpose. The Bill appeared to him to proceed upon an erroneous principle; and he thought that the machinery would be cumbrous, inefficient, and, at the same time, very expensive. If patents were to be protected at all, they should meet with a quick and safe protection. Nothing could be done with the present machinery and the present tribunals, and he thanked the hon. Member for calling the attention of the House to the subject.

Mr. *Ewart* was also of opinion that the fees upon the registration of patents, &c., were too expensive as proposed by this Bill. The defects of the Bill, however, had better be discussed in a future stage.

Leave given. Bill brought in, and read a first time.

Case of Mr. Dillon.] Mr. *Hardy*, pursuant to notice, begged to call the attention of the House to the case of Mr. John Dillon, from whose petition it appeared, that in the year 1822 he was a coast-guard officer in the county of Cork, in Ireland. While there, he was the means of capturing a smuggling vessel off the port of Kinsale. It was stated that, on the night of the 2d of February, 1822, he discovered a vessel which he believed to be a smuggler, off the coast, and he put off two boats, the one with four oars, the other with six, to ascertain in what circumstances she was. On coming near to where she was, it was found that there were forty or fifty hands on board, and with that force Mr. Dillon found himself unable to contend, at all events, to such an extent as to attempt boarding the vessel; but he kept his boats at a little distance, and he threw in several shots which obliged the commander to put into Kinsale, where she was seized by the Custom-house officers, condemned, and sold for a sum of 53,000*l.* Mr. Dillon upon this, put in his claim for salvage, and he was told, that until the decision of an appeal against the condemnation of the vessel, he could not have a decisive answer. In that suit persons were examined who were not of the six-oared boat, in which Mr. Dillon himself was, but of the four-oared one which was in his company. The appeal failed, and when Mr. Dillon again applied, he was told that complaints were lodged of his conduct in the transaction by some of the crew of his boats, yet he was upon the fullest inquiry acquitted. However, he gave up his situation in the coast-guard service, in which he was a chief officer, and being for some time out of employment, he was obliged to undertake the command of a vessel to the West Indies, where he remained till the year 1828, anxiously looking out in the mean time for the *Gazette*, in order to see how the appeal was decided, as a notice was directed by the Act to be given in the *Gazette.* No notice, however, appeared, and on his return to this country in 1828, he was told that a charge of cowardice had been preferred against him for not having boarded the vessel. This was founded on the statement of a Custom-house officer in Dublin. He was an ious for an inquiry into this charge, and he offered to withdraw his petition if it could be proved. He at length prevailed on the then Government to grant his request for an investigation, and the matter was referred to the decision of a naval officer, a member of that House, he meant Sir Edward Codrington, who gave it as his opinion, that the conduct of Mr. Dillon was blameless in the transaction; and Lord Althorp had written him a letter, in which the noble Lord had said that the object was to inquire whether there was a want of courage or not, and in his opinion there was no want of courage, and that in this respect Mr. Dillon was free from blame. This was a great satisfaction to a man who, after ten years' exertions, had been unable to obtain inquiry, but had at last succeeded through the justice of Lord Spencer. But when this charge had been disposed of, another objection had been raised, that Mr. Dillon had not made his application for compensation in time; but this was a mistake, for, if reference were made to his letters, written in March and April, 1822, the seizure having taken place only in the February of that year, it would be found that application was made to the Board of Customs in Dublin. And when the Custom-house officer received 11,000*l.* for merely taking possession of the vessel, it was hard that Mr. Dillon, by whose information the seizure had been made, should be deprived of all share. Application had, from time to time, been made, and the letters containing such applications would be found at the Board of Customs in Dublin, though they had been kept back from, and were not in the Treasury. Mr Dillon's professional character had been vindicated by the reference to Sir Edward Codrington; but what he now wished was, to be placed in a situation to obtain some remuneration from Government. His motion therefore was "That a Committee should be appointed to inquire into the circumstances of the seizure of the ship Carew, and its condemnation by the Admiralty Court of Ireland in 1822, and as to the disposal of the proceeds."

The *Chancellor of the Exchequer* thought that there was no economy more necessary to be practised than an economy of the public time, and he thought that the House would not be disposed to inquire into a case which had occurred in 1822, and which had been submitted to several successive Governments, each of which had carefully considered the different documents, and which had formed its own judgment, each sitting as it were in review over the proceedings of its predecessors. Not only have the Government done this, but Mr. Dillon had shown great activity in bringing his case under the consideration of Members of both sides of the House. It had been in the hands of the hon. Member for Kilkenny, and it was now intrusted to the hon. Member for Bradford; at one time it was thought that Lord Farnham had taken an interest in it, and then it was supported by the hon. and gallant Member whose name had been mentioned by the hon. Member for Bradford. [Mr. *O'Connell:* It was also intrusted to the Member for Tralee.] As each of these hon. Members had taken up the subject, he had offered them to go to the Treasury, and read the papers, and if they were not satisfied, they might come to that House and he would meet them. Let the House consider what they were called on to do—they were to inquire now, in 1837, into circumstances which took place in 1822, and to shew that all the Courts were wrong, and that every Government was wrong also. The hon. Member for Bradford had stated one fallacy, on which this case mainly depended. If his Majesty's Government, as represented by Lord Spencer, had referred all matters both of law and professional character to Sir Edward Codrington, they would undoubtedly be bound by it, but such was not the case. There were two questions in this case—one was, had Mr. Dillon acted in a manner derogatory to his character as an officer and a gentleman? And the other was, was he entitled to receive any proceeds of the ship Carew? And Mr. Dillon had put forward the one or the other of these questions as it best suited his purposes. It was only the first of these questions which had been referred by Lord Spencer to Sir Edward Codrington. Sir Edward had said, that there was no reflection on the character of Mr. Dillon, and that gentleman had received from the Treasury a complete acquittal from the charge; he had also been paid 50*l.* for his expenses, and had then applied for promotion, but had received as an answer that he had not any great claims for it. He had the authority of Sir Edward Codrington for saying that he did not decide any question of law, and that none such had been referred to him. But there was one other point which would place this question beyond a doubt, and this was, that as far as the papers in the Treasury went, there was no claim for a number of years made by Mr. Dillon for any part of the proceeds, and when inquiry was made of him for his reason for not pressing for it, his answer was, that he had so ill-conducted and ill-disciplined a crew, that knowing if he made a claim they would have a share, he had punished them by not asking for his own share at all. Now this was so opposite to the usual course of human nature, that he could not think that it was genuine. It was for this reason that he acquiesced in the adjudication of the Duke of Wellington, and of Lord Althorp; and even if he had not known of their decision he should have come to the same conclusion. He thought the House might be much better occupied than in granting a Select Committee. Let them, if they pleased, call for all the papers; and if, when they had read them, they were not satisfied, then let the hon. Member for Bradford call for a Committee.

Mr. *Hardy* replied, that the House was not in possession of the true facts of the case. The right hon. Gentleman had stated, that successive Governments had refused Mr. Dillon's claims, but he had omitted to state the grounds for such decisions. He called on the Chancellor of the Exchequer to produce all the documents to a Committee, and let that Committee do justice to Mr. Dillon. The Treasury could know nothing of the facts, except from third parties, and a false representation had been made. Application was made soon after the seizure, and the documents in the possession of the Board of Customs, in Dublin, would prove that such was the fact; but these documents had been kept back. On these grounds it was that he called for investigation, to save the honour and life of Mr. Dillon, for life was valueless to a professional man without honour.

The House divided on the motion:—Ayes 16, Noes 42:—Majority 26.

LAW OF LIBEL.] Mr. *O'Connell* moved for leave to bring in a Bill to amend the law relating to libel. Two years ago he had brought in a Bill on this subject; but, after it had been read a second time, a Committee was appointed to inquire into the subject, and the whole Session was wasted. Last year he had again obtained leave to bring in a Bill; but he was otherwise so much engaged, that he could not press it, and after he had become Member for Kilkenny, it was so late in the Session, that he thought it useless to press it forward. He was at liberty to say, that the Attorney-General did not object to the introduction of the Bill, though he was opposed to some of its details, and as there would be ample opportunities of discussing the measure in its future stages, and as nothing was more unsatisfactory than the present state of the libel law, he should now content himself with simply moving for leave to bring in the Bill.

Leave given.

CATHOLIC PLACES OF WORSHIP.] Mr. *O'Connell* rose to move for leave to bring in a Bill, better to secure the title and enjoyment of lands and tenements granted for purposes of Catholic worship, and of education in Ireland. His object was, not to extend the present law in any of its details, save one, and that was, to give greater facilities for the enjoyment of property. At present, the trusts of the Catholic places of worship were equally protected by the law, and by courts of equity, as other trusts; but his object was to render easier the method of transmission from one set of trustees to another, and he thought his principle would be equally applicable to Dissenters' places of worship in England. His proposal was, that when trustees died, it should not be necessary to bring their executors before the Court, but, by a simple conveyance, to vest the fee in new trustees. The objects were of such a nature, that he should simply make a statement, and lay the Bill upon the table of the House, that it might be printed, and placed in the hands of the Members, and they would then see the entire plan; and he thought, that as the object was merely to simplify the conveyance of this kind of property, there would be no objection to his bringing in the Bill.

Mr. *Shaw* did not mean so far to oppose the Bill of the hon. and learned Gentleman, as to take the unusual course of objecting to its introduction. He (Mr. Shaw) did not desire either to deal with the question in any bigoted or sectarian spirit; but he must say, that the proceeding startled him, as one of a very novel nature; and he thought the hon. and learned Gentleman had failed to make out a case, for putting the Roman Catholic Church on a different footing from any other religious body in the United Kingdom, which dissented from the Established Church. He wished no civil inequality to those who professed the Roman Catholic religion—still he could not conceal, and he said so without meaning to give offence, that the notice of the hon. and learned Gentleman, to propose the present measure, had given rise to some justifiable feeling of jealousy against any further encroachment on the part of the Roman Catholic clergy in Ireland; they had peculiar opportunities of inducing bequests, and influencing persons by motives, which Protestants might reasonably be expected to question, to make over property for the purposes suggested by the hon. and learned Gentleman in the present measure. He could see no just ground for forming the Roman Catholic hierarchy into a corporation, capable of taking and transmitting property, without the intervention of trustees—a privilege enjoyed by no other religious sect in either country. Considering the recent disclaimer of the hon. and learned Gentleman, and the Roman Catholic priesthood, of any desire to be connected with the state, and their advocacy of the voluntary principle as applied to their church in Ireland, he owned he regarded the present proceedings with some degree of suspicion. While, therefore, he would not divide the House at that stage, before they had had the opportunity of seeing the Bill, still he begged to put the House upon its guard on the subject, and he hoped they would not suffer the measure to pass into a law. He would watch, with a jealous anxiety, the course of the hon. and learned Gentleman, in any attempt to invest the Roman Catholic clergy, in Ireland, with greater power or property than they already possessed; and, at the same time, he again disclaimed all intention to give offence, or do injustice, either to the Roman Catholic clergy, or people in that country.

Mr. *Lefroy* agreed with his right hon. Friend and Colleague, in thinking this a most important measure, and one that should be watched with the greatest jealousy. In short, it appeared as the first step in advance, for establishing the Roman Catholic religion as a state religion in Ireland. He could conceive no other object the hon. and learned Gentleman had in view. No other religious sect enjoyed the privilege of transmitting property in the manner now sought for by the hon. and learned Gentleman. He felt some difficulty in even allowing the measure to be introduced, and he would oppose it in all its future stages.

Colonel *Conolly* did not rise to oppose the introduction of the Bill, but he wished to state, that he had given grants of land on his property, for the building of Roman Catholic places of worship; but, in two instances, he had stipulated, that the ground should be restored to him whenever these places were made the arenas for political discussion, and exciting the people to acts contrary to the law. He was happy to say, that the clergymen to whom he had made that proposition, had readily assented to it. If the hon and learned Member persevered in his motion, he should feel it his duty to introduce a clause, to the effect that, the moment Roman Catholic chapels were used for other purposes than religious worship, they should cease to claim the protection of the law.

Mr. *Maxwell*: As the measure appeared to him objectionable, upon Protestant grounds, he should divide the House upon it, even in its present stage.

Mr. *O'Connell* explained. There was nothing in the Bill to affect the right of the granter of the lease, to make any terms he pleased. All he wanted was, to take that species of property out of the Court of Chancery, and if he were aware of the forms of conveyance used by the Protestant Dissenters, he would at once extend its operation to them. As its effect would be to prevent litigation, and diminish expense, he hoped to see it very generally supported, Colonel *Perceval* opposed the Bill. At the same time, he wished to see the Roman Catholic churches, chapels, and places of education, placed in a position that would render them amenable to the law. He suspected the hon. and learned Gentleman had not been as explicit as he ought; for the House would recollect, that the Roman Catholic hierarchy of Ireland were, to a man, members of the National, or rather Catholic Association of Dublin, the object of which was to interfere with the rights of the people, of registering their freeholds, and returning Members to Parliament. He felt bound to oppose the introduction of the Bill.

Viscount *Morpeth*, although he would give his vote for the motion, wished to add, that the Government intended to reserve its opinion upon the measure, until it had seen the details. He would most cordially join the hon. Members on the opposite side, in expressing a wish, that political agitation should be excluded from all such places as chapels and churches.

Mr. *Maclean* begged to ask the hon. and learned Member, whether the facilities the Bill conferred for the conveyance of property, were possessed by the Established Church itself?

Mr. *O'Connell*: Much greater.

Mr. *West* thought there was something objectionable in the title of the Bill, but, at the same time, it would be extremely hard, to tie down the hon. and learned Member to an objectionable phrase, when the object of the measure might be what he had stated. On these grounds, he should vote for the introduction of the Bill.

Leave given.

CASE OF MR. CHARLTON.] Major *Beauclerk*, in calling the attention of the House to the petition from Ludlow, presented on Friday last, and to the counter-petition from Mr. L. Charlton, presented on Monday, said, that the petitioner was extremely desirous to be allowed to attend the Committee of Privileges, and to explain his conduct, and vindicate his character.

Mr. *Blackburne* said, that on a former occasion, when he presented a petition, reflecting on the conduct of an hon. Member, who was not present, and that under circumstances which rendered it probable that he might be absent for some time, an hon. Member had commented on the extreme indelicacy of his conduct in so doing. The delicacy of the matter appeared, however, to be all on one side, for last night an hon. Member presented a petition reflecting on his (Mr. Blackburne's) conduct whilst he was absent from the House. He had been charged with great indelicacy, but the only thing he did was, to present a petition from the mayor, aldermen, and common council of Ludlow, complaining of what had been imputed to them by the hon. Member (Mr. L. Charlton). The petition was ordered to be printed, and nothing more was done. Everybody at first appeared anxious for inquiry, but when the hour arrived, it appeared there was to be no inquiry at all. When he first brought forward the petition, various allegations were submitted to the consideration of the House, but now, not one word respecting them was said.

Major *Beauclerk* said, a petition had been put into his hand, merely denying the allegations made against his hon. Friend's character, and he had presented it to the House; but the truth was, he had been so hurried, that he had not read the petitions either on the one side or the other. He, therefore, hoped he stood acquitted of anything like indelicacy imputed to him by the hon. Gentleman. He had only to add, that as to inquiry, he believed his hon. Friend was most anxious for an inquiry, and hoped to be able to convince the House, that he was not capable of doing anything inconsistent with his duty.

The *Speaker* said, there was no question before the House.

Lord *Clive* said, he had no wish to enter into the subject now, but he trusted that no part of the charge brought against the character of his hon. Friend would be left unexplained; and if the House would consider it necessary to institute an inquiry, his hon. Friend would be able to prove, that he had only acted in conformity with the opinions of Mr. Sergeant Merewether.

Subject dropped.

GRAND JURIES BILL (IRELAND).] Lord Morpeth moved the third reading of this Bill.

Mr. *O'Connell* said, great inconvenience and loss had frequently been caused by the negligence of contractors, or their inability to fulfil their contract; and, in order to remedy the evil, he would propose a clause to the effect, that in case of any contract not being completed in the specified time, notice should be given to the contractor; and if, after ten days, he should confess or deny the charge, it should be competent for a jury, at the General Sessions, to assess the amount required to complete the contract, and levy it on the sureties. That, he thought, would give the jury a grand remedy.

Clause agreed to.

Bill read a third time and passed.

HOUSE OF COMMONS,

Wednesday, February 15, 1837.

MINUTES.] Bills. Read a second time:—Court of Chancery.—Read a first time:—East-India Officers; Charity Commissioners; Shire Halls; Patents for Inventions.

Petitions presented. By Mr. LAW HODGES, from the Landowners of Kent, for Revision of Tithe Act.—By Sir W. FOLLETT, from the Legal Profession, Somerset, for Repeal of Duty on Attorneys' Certificates.—By Mr. ALDERMAN THOMPSON, from Sunderland, for Municipal Corporations Bill.—By Mr. ROEBUCK, from the Labourers at Romney Iron Works, for Amendment of Poor-law Act.—By Mr. CLIVE, from Innkeepers and Publicans in Salop, for Consolidation of all laws that govern their Trade.

VOTES OF MEMBERS.] Mr. *Harvey* felt it his duty, as well to his constituents as to the House, to call attention to the irregularities which occurred in printing the lists of votes given by hon. Members. These mistakes and omissions were extremely to be deprecated, inasmuch as the whole value of the lists depended on their correctness, the constituents of hon. Members being anxious to ascertain exactly how they divided. He had attended in his place the whole of last evening, and had voted in favour of the motion of the hon. Member for East Cornwall, yet his name did not occur in the votes. He hoped that some means would be adopted to prevent the recurrence of these irregularities.

The *Speaker* thought, that the irregularities which now occasionally occurred might be obviated if each hon. Member were to mention his own name as he came into the House on a division.

Mr. *Harvey* could only say, that he had announced his name last night, most emphatically, both going out and coming in.

MARLOW CHURCH RATES.] Sir *W. R. Clayton* rose to present a petition from the large and populous parish of Marlow, Bucks, signed by 434 persons of the greatest respectability, and praying the abolition of church-rates; and more especially that, as the House was now about to legislate on the subject, a serious consideration should be given to the very heavy and grievous burden under which they now suffered, in consequence of an Act which passed the House in April, 1831, which directs the churchwardens and trustees for building a new church at Marlow to raise an annual rate of two shillings in the pound for forty years for this purpose, being six times as much as the rate levied for other purposes. This additional burden they positively could not pay; and they humbly and respectfully prayed the House to take this case, and the case of other parishes similarly situated, into their consideration. The petitioners already contributed to the Dean and Chapter of Gloucester, a sum arising from tithes, of 942*l.* per annum, besides property belonging to other Dean and Chapters, amounting in the whole to 1,679*l.* 4*s.* 6*d.* That the rectory and advowson was granted by Edward 1st, on the dissolution of the monastery of Tewkesbury, to the Dean and Chapter of Gloucester, on the condition of their keeping in complete repair the chancel, premises, &c., not one farthing of this sum had the Dean and Chapter contributed, and they had repeatedly refused their aid. The petitioners humbly hoped, that the conditions might be enforced, and that a fair proportion should be allotted of the 942*l.* per annum, towards the expenses of building the church.

MUNICIPAL CORPORATIONS (ENGLAND).] Mr. Alderman *Thompson* presented a petition from Sunderland, praying the inconveniences suffered by the burgesses from the operation of the Municipal Corporation Bill might be remedied by the Bill for amending that Act about to be introduced. They had a charter as far back as the 12th century, which had been renewed in the year 1634; but the election of mayor and aldermen had gradually fallen into desuetude, and when the Municipal Corporation Bill passed, the corporation consisted of freemen only. On proceeding to the election under that Bill, they had appointed the head freeman presiding officer, the competency of which officer was afterwards questioned, and great expense thereby incurred. There were 50,000 inhabitants who were anxious that municipal rights should be exercised by the borough. A public meeting had also been held in its favour, and out of 1,400 burgesses on the burgess-roll, 1,200 had signed the petition; of the remainder there were 130 absent or sick, who were favourable to it, so that he might say, that both burgesses and inhabitants were unanimous in wishing that the Municipal Corporation Act might be so amended as to repress the vexatious course of legal proceedings which had been adopted, and confer on them the privileges to which the House had declared them entitled.

Petition laid on the table.

Sir *E. Knatchbull* had a petition of great importance, both as regarded the law and the petitioners, to present before the House should resolve itself into Committee on the Municipal Corporations Bill. He was also desirous of drawing the attention of his Majesty's Ministers to this subject, and he therefore regretted, that although it was five o'clock, that not one of them was present except the right hon. Baronet, the President of the Board of Control, to whom he thought it would not be right to appeal. This petition was from certain burgesses of Hythe, in Kent, and he trusted that his Majesty's Ministers would deem it necessary to relieve them. The main point in the petition was this,—there were fifteen persons in Hythe who had claimed to have their names inserted in the burgess roll, but whose applications had been rejected. These persons applied to the Court of King's Bench, which on looking into the law declared itself unable to assist them; the wrong done to these persons was therefore unredressed, and from that House they expected redress. It would be in the recollection of the House, that all persons rated to the poor, and paying a certain amount of rates, were eligible: now the petitioners had made their claim, but were rejected; not, however, because they had not paid their rates, not because the amount of rates paid was insufficient to qualify, not because the notices had not been duly made, but because with those notices the Reform Act shilling had not been tendered. Now, see the importance of this case, those fifteen persons could have turned the election of mayor, nay, they actually would have turned it. They had got no redress, and he doubted not most properly so, from the Court of King's Bench, and he hoped that House would give it them. There were two or three other points, though this was the main one, which he would not press were it not for the *animus* of the party which they exhibited.

Mr. *Roebuck* rose to order; if other hon. Members were prevented from speaking by the rules of the House, why should the right hon. Baronet be exempted?

Sir *E. Knatchbull* was the last person in the world to interfere with the rules of the House, but when he found that parties had suffered injustice for which they could obtain no redress by the ordinary methods, he certainly would stand forward to obtain them that redress from the House of Commons. He wished to find whether it was the intention of the hon. and learned Gentleman or of Government, to introduce into the Bill about to be committed any provision for the redress of the grievances under which the petitioners and others in similar situations were now labouring. He would move that the petition be printed; and unless the hon. and learned Gentleman contemplated some provision on this subject, he should take an early opportunity of calling the attention of the House to the question.

The *Attorney-General* said, the petition was a highly proper petition to be presented, and to be submitted to the consideration of the House. But it was not his intention to enter upon the subject of that petition on the present occasion; it did not fall within the scope of this Bill, which related to an entirely different subject. With respect to the decision of the Court of King's Bench, it might possibly, he conceived, be erroneous. At all events, he was aware that these abuses had existed for some time in the borough of Hythe, and that complaints had been made against the officers of that corporation. But the proper remedy would be obtained by means of a criminal information. He was ready to co-operate most earnestly with the right hon. Baronet in any measure that would prevent these abuses; and it was his intention to introduce a clause in the Bill which would have the effect of putting a stop to the very expensive and vexatious litigation which had arisen out of cases connected with the working of the Municipal Corporations Act. To that clause no opposition would, he anticipated, be offered in that House, nor, he believed, in the other; and he wished to avoid as much as possible prolonged discussion on the Bill. By this Bill it was not intended to alter the constitution of the municipal bodies as they stood at present, but to correct and remove certain abuses which prevailed in them.

Lord *Stanley* thought the reasoning of the hon. and learned Gentleman was very much beside the question, and that his observations tended very much to support the views of the hon. Baronet. The hon. and learned Gentleman said the Bill was not applicable to the case of these petitioners. But what said the preamble of the Bill? Why, that the Bill had for its object, among other things, to provide for the case of such elections as had not been duly made according to the provisions of the Municipal Corporations Act. Here then was a Bill to remedy certain irregularities arising out of the working of the Municipal Corporations Act, which it was said, could not be made to extend to the case of fifteen electors excluded from the list of voters by the mayor and his assessors in a particular borough, not because they were unqualified, not because they had not paid the rates, but because they had omitted to pay the shilling for registration. Could anything be more monstrous than this? The hon. and learned Gentleman said, that these parties might be proceeded against by way of information, with a view to punish their misconduct; but when a law for the remedy of abuses was under consideration, what was the course that was worthy of a legislator? To leave each case of misconduct to meet its punishment as it arose, or so to shape the provisions of the law as to remove the possibilities of similar misconduct for the future? He could not think the hon. and learned Gentleman would find it difficult to introduce such a clause into this Bill as would effectually meet the case in question. If the Court of King's Bench had not the power of rectifying these abuses, was there any difficulty in the way of giving that power, or establishing a court which should have that power? It was intolerable that parties should be obliged to sit down, without a remedy, under decisions which, it was admitted, were unsupported by law, and were, besides, open to suspicions of corruption.

The *Attorney-General* said, the noble Lord had omitted, notwithstanding he had dwelt at some length on the subject, to suggest anything like a practical remedy for the grievance of which he complained. An acquaintance with questions of this description served to show the extreme difficulty of establishing such regulations as would prevent tribunals of the nature referred to from coming to corrupt and illegal decisions. It was his opinion that these persons should be made to conform to the law; not that the law should be shaped according to their errors. It was most important that the Bill should not be delayed. A great many vexatious, and he would say, pettifogging, proceedings, respecting municipal corporations, had been instituted in the Court of King's Bench, to which it was most desirable to put an end as speedily as possible. The persons who were elected under the Act were liable to a 50*l.* penalty if they refused to serve, and having served, many actions were brought against them which would be tried at the ensuing assizes, and unless this Bill were allowed to pass they would be saddled with the costs.

Sir *E. Knatchbull* remarked, that the House would perceive that the hon. and learned Attorney-General had given the go-by to his motion. The petitioners had a right to have their grievances redressed, and he asked the hon. and learned Gentleman to postpone the Committee for a few days in order that he might be able to turn his attention to the subject. He recollected that last Session a Bill was brought in, and was supported by the Government, which went to set aside a municipal election for the borough of Poole. That was done to remedy a grievance suffered by a particular borough, and if there were a necessity for doing so last year, it must be done this year, as the case of Hythe was infinitely stronger than that of Poole. Before taking any further steps, therefore, he wished the hon. and learned Gentleman would state whether it was his intention to provide any remedy for the grievance suffered by the petitioners.

The *Attorney-General* thought that it would be impossible to comply with the request of the right hon. Baronet for the matter which he proposed to insert in the Bill did not appear to be germane to the substance of it. He wished that the House would at once proceed to discuss the clauses in the Bill.

Sir *W. Follett* was sure that his hon. and learned Friend did not understand the object his right hon. Friend (Sir E. Knatchbull) had in view, or he would not have said that the proposition he made, was not germane to the subject matter of the Bill. His hon. and learned Friend said, that he had brought in a Bill to remedy the imperfections to be met with in the machinery of the Municipal Corporations Act. The object of his right hon. Friend was also to remedy an imperfections in that Act. His learned Friend said that his Bill was intended to put a stop to certain legal proceedings which had been commenced in the shape of *quo warrantos*, but many other matters had been introduced into the Bill. He therefore could not imagine why a remedy to an abuse such as had been described by his right hon. Friend, should not be allowed to be inserted in it. It was declared by the Municipal Corporations Act, that persons occupying premises in a borough for a certain time, and having paid rates for such premises for a number of years, should be considered burgesses for the purposes of the Act, and that they were entitled to have their names inserted on the burgess roll of such borough. The mayor, with assessors, was appointed to make out the list of burgesses. The mayor, however, was a party man, and adopted the feelings of the majority that had placed him in his office, and acted in such a way as to promote the views of his party. The mayor, then, being influenced by party spirit, could prevent any persons who were duly qualified from having their names inserted on the burgess roll. This had been the case at Hythe, where certain persons, who were otherwise qualified, had been prevented exercising their rights as burgesses because the mayor had not inserted their names on the burgess roll. If these persons had been enabled to vote, other members of the council than those now on it, would have been chosen. Thus, by the improper conduct of the mayor, one party had been enabled, most unfairly, to triumph over the other. Was his hon. and learned Friend prepared to say that this was not an evil to be remedied? Such practices were, in point of fact, worse than anything that took place under the old corporation system; for as the law then stood, if the mayor, or other officer, refused to insert the name of a person duly qualified on the list of freemen, such person could apply to the Court of King's Bench for a *mandamus*, and compel the officer to perform his duty; but under this new Act there was no such remedy. It was useless applying to the Court of King's Bench on the subject, because the Court had determined that it had no power on the subject. According to this state of things, the mayor had absolute power, as there was no Court of Appeal to which the persons so injured could resort for relief. The whole borough constituency for municipal purposes was therefore at the mercy of the mayor and his assessors. The mayor of a place might thus, if he pleased, reject one-half of the constituency, and as the law now stood, there was no appeal whatever from his decision. Under these circumstances, he thought that the suggestion thrown out by his right hon. Friend, was well worthy of the attention of his Majesty's Ministers, and the Attorney-General, who, in his opinion, were bound to take such steps as would effectually put a stop to this state of things. For his own part, he would recommend that the Court of Registration for the municipal voters, should be altogether remodelled; he saw no objection to placing the recorder at the head of the tribunal for revising the lists of voters, in such boroughs where there was such an officer, although the appointment of recorder rested with the Government. He entertained too high an opinion of the profession to which he belonged, to allow him to suppose that the holders of such an office would sacrifice their duty to party purposes.

Mr. *Jervis* could but express his surprise at the feeling manifested by Gentlemen opposite on such occasions as the present. They appeared to think that no measure could be introduced by a person on his (the Ministerial) side of the House, that had not for its object the promotion of party purposes. He protested against such an assumption, and regretted that the discussion had not been put a stop to when the hon. and learned Member for Bath appealed to the chair as to its irregularity. The object of the present Bill was to remedy evils which existed, which it was most desirable to put an end to, and above all, to close the fruitful source of the most vexatious and expensive litigation. He understood the right hon. Baronet to complain that the names of fifteen persons, who were entitled to be registered as burgesses in the borough of Hythe, had been omitted from the burgess roll by the mayor. If there were no remedy for this, and if the matter were of such a simple nature, why did not his hon. and learned Friend, the Member for Exeter, introduce a clause in Committee to remove the ground of complaint, instead of then getting up a discussion? He was sure if the remedy were so simple, it would at once receive the sanction of all parties; but he trusted that the Attorney-General would not consent to postpone the progress of his Bill, for every day was a matter of importance in checking the present expensive litigation.

Mr. *Cresset Pelham* contended, that his Majesty's Government, who introduced the Municipal Corporations Act, were answerable for evils such as had been complained of, that had grown up through its operation, and they were bound to supply a remedy. The Municipal Bill had promoted in every place where it had been in operation the most objectionable party spirit.

Sir *Edward Knatchbull* trusted that there would be no objection to the bringing up the petition, and having it printed with the votes. He would draw up a clause such as had been suggested by his hon. and learned Friend (Sir W. Follett), who he trusted would render him his able assistance for the purpose. If then the present clauses of the Bill went through the Committee, he trusted that the Attorney-General would consent to the Chairman reporting progress, and asking leave to sit again, when he (Sir Edward Knatchbull) would introduce his clause.

The *Attorney-General* could not consent to any such arrangement, as the right hon. Baronet could introduce his clause on the report being brought up. He should be happy to render him any assistance in his power in drawing up the clause.

Petition laid on the table.

The Order of the Day for the House to go into a Committee on the Municipal Corporations Act Amendment Bill was read.

Sir *Robert Peel* would avail himself of that opportunity, before going into Committee, of asking a question of the Attorney-General with reference to the Municipal Corporations Act. That Act directed that the town-clerk of every borough should make out a list of all persons who, at the time of passing the Act, had been admitted burgesses or freemen, and that their rights should be respected; it also directed that all persons who should hereafter become entitled to be admitted burgesses or freemen, and who should claim to be admitted, should, on establishing their claims, be enrolled in the list of freemen for the borough. There was, however, a third class of persons, with respect to whom it did not appear that any provision was made: he meant persons who were entitled and duly qualified to be enrolled before the passing of the Act, but who had not had their names inserted in the burgess-roll. Instances had occurred where persons thus situated had been refused when they applied to be enrolled as freemen. He knew of a case in point, where the presiding officer of a corporation had refused to acknowledge such persons as freemen because they had not been registered before the passing of the Act. He thought that some provision should be made for such cases; at any rate if there were any doubt, the law ought to be made clear on the subject.

The *Attorney-General* thought that in such cases as had been stated by the right hon. Baronet there could be no doubt as to the right, and that the claims of the freemen must be allowed. If it were admitted that all existing freemen should retain their rights, and that all hereafter entitled should also be enrolled, it was likewise evidently intended that those persons entitled to be enrolled as freemen, but who had not been so registered, should have their rights preserved. He was not aware that there was any doubt on the subject, but he would turn his attention to the point, and take steps to meet the case alluded to by the right hon. Baronet.

Sir *Robert Peel* was perfectly satisfied with the explanation of the hon. and learned Gentleman. If he looked at the 5th clause of the Act he would at once see the point.

Mr. *Scarlett* objected to proceeding with Acts of Parliament which were merely intended to prevent the friends of the Government feeling the effects of their own negligence. This was a most objectionable mode of proceeding.

Sir *W. Follett* was at a loss to understand the object in view in introducing the last clause into the Bill; he trusted, therefore, his learned friend would explain it before the House went into Committee. By one of the clauses of the Municipal Act, if the inhabitant householders of any town in England and Wales petitioned the King to grant to them a charter of incorporation, the King, by the advice of his Privy Council, was empowered to extend the powers and provisions of the Act to such place. The last clause of the Bill before the House states, that "it shall be lawful for his Majesty, if he shall think fit, by the advice of his Privy Council, to grant and extend to the inhabitants of any town or borough in England and Wales, in the manner provided by the Act, all the powers and provisions contained in it, although such town or borough may or may not be a corporate town or borough, or may or may not be named in the schedules to the said Act for regulating corporations." If it was intended by this to alter the provisions of the Municipal Corporations Act, by which it was rendered necessary that the inhabitants of a town should petition for a charter of incorporation before the provisions of the Act could be extended to them, and to enable the Crown without any such application to confer a charter, he thought that the proposition was objectionable. If his hon. and learned Friend, the Attorney-General, intended to make such an important change in an Act of Parliament, he ought to have stated it to the House. He could not understand the clause if it were not intended to allow the King to grant a charter to a town without the permission of its inhabitants.

The *Attorney-General* thought, that it would be more convenient to discuss the details of the Bill in Committee. The object of the clause, however, was to enable the King to grant charters to towns which were included in the Act, or not, as the case might be. Several towns were mentioned in the Act which required charters, but which could not be granted as the law now stood. The case of Sunderland was a remarkable instance of the kind. The clause in the Municipal Corporations Act, referred to by his learned Friend, only enabled the King to grant charters to towns not mentioned in the Act. The consequence was, that the King could not grant a charter to Sunderland, because it had been a corporation before; he could not grant charters to Hereford or Ipswich, in which places the corporations had been dissolved in consequence of negligence; and the clause was framed with a view to enable the King to grant charters in such cases. Again, there were several places which were now corporations to which the advantages of the Municipal Act could not be extended, because being corporations the King had not the power to grant them charters. The Act could only be extended to such places as Birmingham and Dudley, which were not corporations.

Sir *William Follett* had no doubt that such was the object of his learned Friend, but from reading the clause over nobody could draw such an inference. He presumed there would be no objection to the introduction into the Bill of some restriction, as in the former Act, whereby no place should be incorporated except on petition from the inhabitants.

The *Attorney-General* said, there would be no objection to such a restriction being introduced.

The House went into Committee.

Clauses 1 to 9 inclusive were agreed to.

On clause 10 being put, Sir E. Knatchbull moved that it be postponed.

The *Attorney General* could not agree to the proposition.

The Committee divided on the amendment:—Ayes 78; Noes 88; Majority 10.

List of the Ayes.

Arbuthnot, hon. H.
Bailey, J.
Beckett, rt. hon. Sir J.
Bell, Matthew
Bentinck, Lord G.
Blackstone, W. S.
Bolling, W.
Borthwick, Peter
Bradshaw, J.
Bramston, T. W.
Brownrigg, S.
Bruce, C. L. C.
Canning, hon. C. J.
Canning, rt. hn. Sir S.
Chandos, Marquess of
Chaplin, Colonel
Clerk, Sir George
Compton, Henry C.
Corry, rt. hon. H.
Dalbiac, Sir C.
Duffield, T.
Elley, Sir John
Fector, John Minet
Finch, George
Forester, hon. G.
Forster, C. S.
Fremantle, Sir T.
Gaskell, J. M.
Gladstone, W. E.
Geary, Sir W.
Gordon, hon. W.
Graham, rt. hon. Sir J.
Grimston, Lord Visct.
Grimston, hon. E. H.
Hamilton, G. A.
Hamilton, Lord C.
Hardinge, rt. hn. Sir H
Hardy, J.
Hind, J. H.
Hogg, J. W.
Houstoun, G.
Jackson, Mr. Sergean
Inglis, Sir R. H.
Johnstone, Sir J.
Jones, W.
Knatchbull, rt. hon, Sir E.
Knight, H. G.
Law, hon. C. E.
Lawson, A.
Lefroy, rt. hon. T.
Lincoln, Earl of

Lowther, J. F.
Maclean, D.
Miles, W.
Miles, P. J.
Nicholl, Dr.
Palmer, R.
Peel, rt. hon. Sir R.
Pelham, J. C.
Pemberton, T.
Perceval, Colonel
Pringle. A.
Richards, J
Richards, R.
Ross, C.
Rushbrooke, Colonel
Scarlett, hon. R.
Shaw, rt. hon. F.
Sibthorp, Colonel
Somerset, Lord G.
Stanley, Lord
Trevor, hon. A.
Twiss, H.
Vere, Sir C. B.
Vesey, hon. T.
Vyvyan, Sir R.
Weyland, Major
Wortley, hon. J. S.

TELLERS.

Follett, Sir W.
Pollock, Sir. F.

List of the NOES.

Alston, Rowland
Angerstein, John
Anson, hon. Colonel
Attwood, Thomas
Bagshaw, John
Baines, Edward
Barclay, David
Baring, F. T.
Barnard, E. G.
Bewes, T.
Biddulph, R.
Bowring, Dr.
Brady, D. C.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bayley, E. S.
Copeland, W. T.
Dalmeny, Lord
Elphinstone, Howard
Fazakerley, John N.
Fitzsimon, Nicholas
Fleetwood, P. H.
Gaskell, D.
Grattan, H.
Grey, Sir George
Grote, George
Gully, John
Harland, W. C.
Hawkins, John H.
Hector, C. J.
Howard, P. H.
Humphery, John
Hutt, William
Ingham, Robert
Lambton, Hedworth
Lefevre, Charles S.
Lister, Ellis Cunliffe
Macnamara, Major
Maher, J.
Marjoribanks, S.
Marsland, H
Maule, hon. F.
Morpeth, Lord Visct.
Morrison, J.
Murray, rt. hon. J. A.
Musgrave, Sir R.
North, F.
O'Brien, C.
O'Brien, W. Smith
O'Connell, J.
O'Connell, M.
O'Ferrall, R. M.
Parker, J.
Parry, Sir L. P. J.
Pattison, J.
Phillips, M.
Philipps, C. March
Potter, Richard
Power, James
Rice, right hon. T. S.
Rippon, Cuthbert
Rundle, John
Russell, Lord John
Scott, Sir E. Dolman
Seymour, Lord
Smith, R. V.
Stanley, E. J.
Steuart, R.
Strickland, Sir G.
Strutt, E.
Stuart, Lord J.
Talfourd, Mr. Serg.
Tancred, H. W.
Thompson, Mr. Ald.
Thornley, T.
Townley, R. G.
Troubridge, Sir E. T.
Tulk, C. A.
Tynte, C. K. Kemeys
Villiers, C. P.
Walker, C. A.
Warburton, H.
Wason, R.
Whalley, Sir S.
Williams, W.
Wood, C.
Young, G. F.

TELLERS.

Attorney General, Mr.
Ward, Mr.

Remaining clauses were agreed to.

The *Attorney General* had some additional clauses to propose. By the Act as it originally stood vacancies in the council could not be filled up unless those vacancies amounted to two-thirds of the whole number. That which he proposed by the 1st clause submitted to the Committee was, to make provision that there should be an election for the purpose of filling up each vacancy as it occurred.

Lord *Stanley* recollected that this question was discussed when the measure first came under the consideration of Parliament, and it was met, as he thought, by insuperable objections, one of which was, that the frequent recurrence of these elections would keep corporate towns in a constant state of excitement; it must clearly then be the better way to have none but general elections, and at these any vacancies which took place might be filled up as well as the places of those who went out of the council by rotation.

Mr. *Jervis* was favourable to the clause, as tending to prevent excitement; for, as the law at present stood, the moment a vacancy took place the excitement of canvassing and electioneering commenced, and never ceased till after the election. It would, therefore, be the best course at once to proceed with the choice of a person to fill each vacancy as it arose.

Sir *W. Follett* observed, that the clause relating to this matter in the original Act was extremely vague, and from its language it would be difficult to say when vacancies ought to be filled up; but he objected to more than one election in the year. By the Act, there must be one in November, and that occasion, as he thought, would be the most suitable for the filling up of vacancies.

The clause was added to the Bill.

Mr. *Hodgson Hinde* moved a clause providing for the support of hospitals for poor freemen, their widows, and daughters, in all cases where such had been maintained out of the funds of any corporation, but where no specific endowment had been made.

The *Attorney-General* thought it would be monstrous to give the power of rating all the inhabitants for such a purpose.

Mr. *Hodgson Hinde* was willing to limit the levy to those cases where parties were liable before the passing of the Act.

Viscount *Howick* objected to the clause as one of gross injustice, and observed, that besides being unjust it was inexpedient, for the maintenance of such establishments frequently led those who expected advantage from them to a disregard in youth and middle life of those provident habits by which alone they could secure a competency in old age.

Colonel *Sibthorp* supported the clause. He had heard much of the friends of the people, but he thought that those were the real friends of the people who supported their privileges. He protested against the doctrine that the prospect of the asylum of an hospital in after life would tend to make freemen improvident or idle. Because men were poor they were not the less honest. He sincerely wished to see every hon. Member of that House as respectable, as honest, and as upright in life as many freemen were, to his knowledge. It would tend to their credit and advantage in this life, and to their happiness hereafter. He might be laughed at, and so might the claims of the honest freemen, but he believed that those hon. Gentlemen who were now so ready to laugh, had not been less ready to court the suffrages of those very freemen preparatory to their appearing at the hustings. He thought it but just that hon. Members should betray no reluctance to pay out of their pockets for the legitimate maintenance of those who in their turn had supported them.

Mr. *A. Trevor* supported the clause. He hoped his hon. Friend would take the sense of the Committee upon the clause which he proposed to introduce, and by a division of the House show the people who were their real, and who their pretended, friends.

Mr. *Maclean* also supported the clause; and considered that the opponents of its introduction had exhibited themselves as the patrons of a summary injustice. He was of opinion that the motion of his hon. Friend (Mr. Hodgson Hinde) did him infinite credit. He denied the allegation that its adoption would tend to the production among the freemen of improvident habits. He was surprised to hear the noble Lord the Member for Northumberland deduce such an argument from the erroneously supposed tendency to improvidence. Was that argument one which the noble Lord would wish to see given forth to the world? He was no less surprised at the violent abuse which hon. Members had thought fit to direct against a set of men whom they had previously used as constituents.

The Committee divided:—Ayes 48; Noes 91: Majority 43.

List of the Ayes.

Agnew, Sir A. Bart.
Bell, Matthew
Bentinck, Lord G.
Bowles, G. R.
Brownrigg, S.
Chaplin, Col.
Clerk, Sir G.
Clive, hon. R. H.
Conolly, E. M.
Dalbiac, Sir C.
Duffield, Thomas
Elley, Sir J.
Finch George
Follett, Sir W. Webb
Forster, C. S.
Grant, hon. Colonel
Grimston, Viscount
Grimston, hon. E. H.
Hamilton, G. A.
Hardy, J.
Jackson, Sergeant
Jones, Wilson
Jones, T.
Knatchbull, Sir E.
Law, hon. C. E.
Lawson, Andrew
Lefroy, Thomas
Lowther, J.
Martin, J.
Neeld, John
Owen, Hugh
Palmer, Robert
Pemberton, Thomas
Price, S. G
Richards, J.
Richards, R.
Ross, Charles
Scarlett, hon. R.
Shaw, right hon. F.
Shirley, E. J.
Sibthorp, Colonel
Thomas, Colonel
Trevor, hon. A.
Twiss, H.
Vere, Sir C. B, Bart.
Vesey, hon. T.
Weyland, Major
Young, G. F.

TELLERS.

Hinde, J. H.
Maclean, D.

List of the Noes.

Adam, Admiral
Angerstein, John
Attwood, T.
Bagshaw, John
Baines, Edward
Barclay, David
Baring, Francis T.
Barnard, E G.
Barry, G. S.
Beauclerk, Major
Bewes, T.
Blackburne, John
Blake, M. J.
Bodkin J.
Brady, D. C.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Burdon, W.
Butler, hon. P.
Campbell, Sir J.
Chalmers, P.
Clive, Edward Bolton
Collier, J.
Copeland, W. T.
Elphinstone, H.
Ewart, W.
Fergusson, R. C.
Fleetwood, Peter H.
Gaskell, Daniel
Gordon, R.
Goring, H. D.
Grattan, Henry
Grote, George
Gully, John
Hawkins, J. H.
Hector, C. J.
Hodges, T. L.
Howard, P. H.
Howick, Viscount
Hutt, Wm.
Jephson, C. D. O.
Lefevre, C. S.
Lennox, Lord G.
Lister, E C.
Lushington, Charles
Maher, John
Marjoribanks, S.
Marsland, H.
Maule, hon. F.
Morrison, J.
Mostyn, hon. E. L.
Murray, J. A.
Musgrave, Sir R., Bt.
O'Brien, C.
O'Ferrall, R. M.
Palmerston, Lord
Parker, John
Parrott, Jasper
Parry, Sir L. P.
Philips, Mark
Phillipps, Charles M.
Potter, R.
Poulter, J. S.
Pryme, George
Rippon, C.
Robinson, G. R.
Roche, D.
Rundle, J.
Scholefield, Joshua
Scott, Sir E. D.
Seymour, Lord
Stanley, E. J.
Strickland, Sir G.
Stuart, Lord D.
Sturt, Henry Chas.

Talfourd, Sergeant
Tancred, H. W.
Thompson, Alderman
Thornley, Thomas
Troubridge, Sir E. T.
Tulk, C. A.
Villiers, C. P.
Walker, C. A.
Warburton, H.
Ward, H. G.
Wason, R.
Whalley, Sir S.
Wilde, Sergeant
Williams, W. A.
Wyse, Thomas

TELLERS.

Steuart, R.
Rolfe, Sir R. M.

The House resumed. The report to be received.

IRISH AND SCOTCH VAGRANTS.] Mr. *Robert Palmer* moved the second reading of the Irish and Scotch Vagrants Removal Bill. He should briefly state what the object of the measure was, which he had obtained leave to bring in a week ago. It was merely a renewal of an Act which had been in operation for the last three years, and he should propose, in order to give hon. Members an opportunity of examining the details, that it should be committed that day se'nnight. Enormous expense had been previously imposed upon the various counties around London which were charged with the expense of passing those vagrants; and he held in his hand a list of eight or nine counties through which the great roads leading from London to Bristol and Liverpool ran, which would show the House the amount. In the county of Berks, under the former law, there had been passed in the year 1832 no less than 4,559 persons, at an expense of 1,139*l.*, although the county had nothing whatever to do with these paupers. In the first year after the passing of the new Act, 1834, there had been only one individual passed, at an expense of 3*l.* In the year 1832, 7,000 and odd persons had been passed by the county of Buckingham, and in Middlesex, in the same year, the number had been 9,576 persons, at an expense of 2,950*l.*, while in the same county, the first year after the passing of the new Act, the number had been only 734, at a cost of 1,112*l.* In Middlesex, during the last two years, it appeared from the returns of the county treasurer that the numbers were in 1835, 456 persons, at a cost f 777*l.*, and in 1836, 734, at a cost of 1,200*l.* It appeared, therefore, that the saving was most extensive, and he hoped the present Session would not be allowed to terminate, without a renewal of that most useful measure, otherwise the evils of the old system would be brought again into operation. He had been urged by Sir F. Roe, and other police-magistrates, to attend to the passing of the Bill, as it had been found very generally useful, and, under those circumstances, he trusted no opposition would be given, but that the House would, if they thought fit, make it a permanent measure, to save the trouble of renewing it every Session.

The *Lord Advocate* was by no means hostile to the Bill, but he was quite ignorant of its details. How was it possible, he could be otherwise when the Bill was not in the hands of hon. Members? It appeared that it was against the people of Scotland its provisions were particularly directed—and how were they to become acquainted with its provisions, if it were to be hurried through the House? All he wanted was, that time should be given to examine its details, for the people of Scotland he would contend had a right to know what the legislation of that House was, with respect to them. He suggested, therefore, that the hon. Member should postpone the second reading to a future day.

Mr. *Hawes* thought, the hon. and learned Lord had assigned no good grounds for his opposition. In the borough which he had the honour to represent, it had been found very useful, and he should therefore give it his cordial support.

Mr. *Young* believed, there was no real point of difference between the hon. Members on both sides of the House. As the hon. and learned Lord Advocate had no objection to the principle of the Bill, but only asked a little time, he thought there could be no objection on the part of the hon. Member for Berkshire.

Mr. *Cutlar Fergusson* was quite sure there would be no real ground of opposition if time was allowed in order that the people of Scotland might examine the details of the Bill.

Sir *Thomas Fremantle* hoped the House would secure the passing of the Bill during the present Session. He did not see why there should be any jealousy upon the subject among the people of Scotland, for it was not a Scotch but an English Bill. It merely provided that the Scotch and Irish vagrants should be sent home—and the sole question was in what way the expense should be borne by the people of England. The Bill had been hitherto found to proceed remarkably well. It had been a *vexata questio* for many years, and been introduced as an experiment after two Committees had sat upon the subject, and no complaint had hitherto been made of its operation. He trusted the House would make it a permanent measure.

Mr. *Palmer* had no wish to hurry the Bill through the House, but he was not aware that a law which had been three years in force could be unknown to the hon. and learned Member opposite. The whole the Bill did was, to alter the mode in which the expense of conveying home these paupers was levied and appropriated —so that instead of the charge being thrown upon the several counties through which they passed, it should be borne by those parishes where the parties became chargeable.

Bill read a second time.

HOUSE OF LORDS,

Thursday, February 16, 1837.

MINUTES.] Bills. Read a second time:—Registration of Marriages.—Read a first time:—Grand Juries' (Ireland).

Petitions presented. By Lord SUFFIELD, from Great Yarmouth, for Abolition of Church Rates.—By the Earl of CARLISLE, the Marquess of LANSDOWNE, Lords BROUGHAM and ASHBURTON, from Anglesea, Newport, Hackney, and several other places, for Abolition of Church Rates.—By the Earl of BANDON, from various places, for the Amendment of Irish Grand Juries Bill.

HOUSE OF COMMONS,

Thursday, February 16, 1837.

MINUTES.] Petitions presented. By Mr. BRODIE and several other Hon. MEMBERS, from Aylesbury and several other places, for the Abolition of Church Rates.—By Mr. THOMAS ATTWOOD, Mr. BARLOW HOY, and other Hon. MEMBERS, from various places, for Amendment of Law of Friendly Societies.—By Lord JAMES STUART and other Hon. MEMBERS, from Ayr and other places, for Repeal of Duty on Soap.—By Mr. HENRY GRATTAN and Mr. O'CONNELL, from various places, for Abolition of Tithes. —By Mr. O'CONNELL, from Godmanstown and Kilcullen, for Poor Laws (Ireland).—By Mr. HENRY GRATTAN and Mr. O'CONNELL, from Dublin and other places, for Municipal Corporations (Ireland), and for the Ballot.—By Mr. E. J. STANLEY, from Chester and Stafford, for Amendment of Law relating to Innkeepers.—By Mr. O'CONNELL, from Godmanstown, Kilcullen, for Reform of House of Lords.—By the ATTORNEY-GENERAL, from Richmond, York, Edinburgh, and other places, for Repeal of Duty on Fire Insurances.

TITHE COMMUTATION ACT (ENGLAND).] Sir *Edward Knatchbull* would ask a question of the noble Lord opposite, touching the Act passed last year, for the Commutation of Tithes. An opinion had gone abroad, that his Majesty's Government had discovered several faults in the working of this Act, which they were disposed to remove, by introducing some remedial measure. Now, he wished to know whether the Government had any such intention?

Lord *John Russell* was well aware that such a report had gone abroad, but from what sources it had issued, he could not conceive. The Commissioners had uniformly expressed their satisfaction with the present measure, and his Majesty's Government had certainly not received any information from other quarters, which would lead them to doubt the correctness of the opinion of those Gentlemen. He would therefore say, that the Government had no such intention as that alluded to by the right hon. Baronet.

Mr. *Hodges* was compelled to express his regret at the reply of the noble Lord; there were clauses with respect to rating which required alteration.

Subject dropped.

PRIVILEGES—MR. LECHMERE CHARLTON—REPORT.] Mr. Williams Wynn brought up the Report of the Committee appointed to inquire into the case of Mr. Lechmere Charlton, which was read as follows:—

"In reporting upon the question which has been referred to your Committee, they propose to follow the course which usually has been adopted upon such occasions, of first stating the circumstances of the particular case, and afterwards the law and usages of Parliament, as it appears to apply to them.

"The warrant for Mr. Charlton's commitment to the Fleet, and the order of Court on which it was founded, were produced to the Committee, and it appeared that he was committed by the Lord Chancellor for writing a letter, addressed to William Brougham, Esq., one of the Masters of the High Court of Chancery, containing matters scandalous with respect to the said Master, and an attempt improperly to influence his conduct in the matter pending before him, 'which the said Lord Chancellor deemed to be a contempt of the Court of Chancery.' The order not proceeding to set forth the letter in question, or to specify the parts of it on which these charges were grounded, your Committee therefore directed the letter to be produced, inasmuch as they considered, that although the Lord Chancellor had the power to declare what he deemed to be a contempt of the High Court of Chancery, it was necessary that the House of Commons, as the sole and exclusive judge of its own privileges, should be informed of the particulars of the contempt, before they could decide whether the contempt was of such a character as would justify the imprisonment of a Member. They also summoned Mr. Charlton before them, and afforded him an opportunity of fully stating his case.

"Upon the whole examination, the letter appears to your Committee to be expressed in an intemperate and improper manner. The letter, however, was occasioned by information derived from the solicitor in the cause, the correctness of which Mr. Charlton had no reason to doubt; but they are of opinion that it is offensive to the Master, and thereby to the authority of the Court under which he acted, and was an attempt improperly to influence his conduct in the matter pending before him, with a view to obtain a further hearing, to which, if applied for in a proper manner, Mr. Charlton would have been entitled.

"It was found, in the course of the investigation, that Mr. Joseph Parkes, the solicitor for the parties, who appeared before the Master, in opposition to Mr. Charlton's clients, had, during the interval which occurred between the issue of the warrant and its execution, written a letter, at the request of a third person, containing the following assurance—'Mr. Charlton may take my honour, and I have never yet violated it, that he is perfectly secure in coming to my house, to see if we can adjust the Ludlow matters,' and that Mr. Charlton did afterwards, in consequence, attend a meeting at the house of Mr. Parkes, without any interruption, or attempt to execute the warrant by the officers who held it. Your Committee, therefore, felt it necessary to ascertain whether the execution of a process issued on the ground of punishing a contempt of the Court of Chancery, had in any manner been allowed to be enforced or suspended, at the discretion of one of the litigant parties, or to be rendered subservient to his objects. This inquiry has tended considerably to lengthen their proceedings, but the result has satisfied them, that no power had ever been given by any person, or exercised by the solicitor, for that purpose.

"Upon the law and usage of Parliament, as affecting this case, your Committee beg leave to refer to the statement contained in the Report of the Committee of Privileges in the case of the Hon. William Long Wellesley, presented to the House on the 26th of July 1831, the precedents cited in which they will not here repeat.

"The Committee are deeply impressed with the difficulty and importance of the question referred to them, in the absence of authorities to which they can refer, as clearly in point, and directly bearing on this particular case. It will be seen, from the early cases, that the ancient definition of privilege of Parliament is, that it belongs to every Member of the House, except in cases of treason, felony, or refusing to give surety of the peace. These exceptions, by the statement of the Commons in 1641, are further extended to all indictable offences; by their resolution in 1697 to forcible entries and detainers; and, in 1763, in conformity with the principle of the declaration of 1641, and of a subsequent resolution in 1675, to printing and publishing seditious libels; to which may be added, the resolution of the Lords in 1757, that privilege shall not protect Peers against process to enforce the *habeas corpus*.

"The ordinary process for contempts against persons having privilege of Parliament, or of Peerage, has not been that of attachment of the person, but that of sequestration of the whole property, which has been found sufficient to vindicate the authority of the courts, even in cases of some aggravation.

"It is stated by Blackstone, that 'contempts committed even by Peers, when enormous, and accompanied with violence, such as forcible rescues, and the like, or when they import disobedience to the King's writs of prohibition, *habeas corpus*, and the rest, are punishable by attachment;' and the same doctrine has, on different occasions, been expressed by other writers, and by judges of high authority.

"The only cases, however, in which attachments have been found by the Committee to have been actually issued against privileged persons, are that of Earl Ferrers, by the King's Bench, and that of Mr. Long Wellesley, by the Court of Chancery, already referred to. The former was a case of disobedience to a writ of *habeas corpus*, to which, while the discussion was pending, it had been declared by the House of Lords privilege of Parliament did not extend; the other was that of the forcible removal of a ward of the Court of Chancery, and placing her out of the jurisdiction of the Court, which obviously could only be checked by the most prompt and efficacious remedy.

"Since the sitting of the last Committee of Privileges, the Act of 2 and 3 William 4th, c. 93, entitled, 'An Act for enforcing the Process upon Contempts in the Courts Ecclesiastical of England and Ireland,' has passed, by which contempts of the Ecclesiastical Courts, 'in face of the Court, or any other contempt towards such Court, or the process thereof, are directed to be signified to the Lord Chancellor, who is to issue a writ *de contumace capiendo*, for taking into custody persons charged with such contempt,' in case such person 'shall not be a Peer, Lord of Parliament, or Member of the House of Commons.'

"Under all the circumstances of the case, your Committee are of opinion, that Mr. Charlton's claim to be discharged from imprisonment, by reason of privilege of Parliament, ought not to be admitted.

"February 16, 1837."

Report laid on the Table.

Mr. *Williams Wynn* then said, that he had been further directed by the Committee, to call the attention of the House to a paragraph in one of the morning newspapers, reflecting upon the full attendance of Members at the Committee, as being caused solely by party and political feeling. During the time that he had sat in Parliament, he had never seen a Committee more fully attended, and the report which had been just read, would show that the

Committee could have been influenced by no other motive, than an anxiety to act with justice and impartiality. The accusation therefore was, in his opinion, a case which called for the interference of the House. In ordinary Committees, such calumnies might be safely passed by, because their proceedings were open to the public; but the investigation of a Committee of Privileges being carried on in private, there was no other opportunity of contradicting the imputations which had been cast upon the motives of hon. Members, than by bringing the paragraph immediately under the notice of the House. The effect of it was, to impeach the character of a Committee sitting judicially, and therefore tended directly to obstruct the course of justice. The passage of which he, as the organ of the Committee, was directed to complain, was as follows. The right hon. Gentleman read the following passage from the *Morning Chronicle*:—"We directed attention, ten days ago, to the indecent conduct of the Tories on the question respecting the claim of privilege by Mr. E. Lechmere Charlton, against the process of the Lord Chancellor, for a gross contempt of Court. This conduct is repeated by the Tories, who are notoriously 'whipping' the Committee of Privileges. That Committee, being substantially open to all Members of the House of Commons, is, it would seem, to take the place of packed special juries of former times; and such is the rage of party spirit, that even a grave and responsible judicial enquiry is to be turned into an arena of political faction. The Tory 'whippers-in,' who are well-known under that denomination, daily display the utmost industry in the exercise of their honourable vocation. It matters not whether the authority of the Great Seal, or a great constitutional question be at issue, everything now is to be sacrificed to party feeling, and party objects. The simple matter of reference to this Committee, is the consideration of all matters touching privilege, and the consideration of the letters to the Speaker from the Lord Chancellor and Mr. Charlton. On this simple inquiry the Committee has now sate in secret and solemn conclave, a full fortnight. The Lord Chancellor either has or has not the power of committing a Member of the House of Commons for contempt. No man of common sense doubts that a violation of law, or a contempt of the courts of justice, is aggravated in the case of a Member of the Legislature, and not 'privileged.' It requires little knowledge of Parliamentary history, and legal decisions, to be able to pronounce that, as in the case of Mr. Long Wellesley, the Court of Chancery ought not to be overridden by the House of Commons. With respect to the particular 'contempt' assigned by the Lord Chancellor against Mr. Charlton, we apprehend that the Privilege Committee is no appellate jurisdiction. It is for the judge to decide what is a 'contempt' of his court and authority. In the present instánce, the perpetrator is, we understand, a petitioner and counsel of the Court. In such relations, he is surely amenable to the jurisdiction of the Court in which he petitions and practises. But the 'whippers-in' now inform us, that this peculiar Committee is not only to decide whether Mr. Charlton is 'privileged,' but is also to determine, whether his offence is or is not, a 'contempt' of the Court of Chancery—that is to say, they are to usurp the functions of the judge! Mr. Charlton's letters to Mr. W Brougham, and to the Lord Chancellor, may be acceptable, as a matter of taste, to the Tories, but the 'whippers-in' will find it hard to persuade the country, or the House of Commons collectively, tha his epistles are not vulgar, as well as subversive of the course of justice. In charity to the hon. Member, they may desire to use him for ulterior objects; but, whatever the report of a 'whipped' Committee, they will fail in persuading a reformed House of Commons, that the Lord Chancellor of England, and the highest judicial officers of the realm, are to be insulted with impunity, or that the municipal rights of a populous borough are to be sacrificed to the old nuisance of borough-mongering. If the 'whip' is to decide this constitutional and important reference, we hope it will be applied on both sides of the House. Certainly it is the duty of every Liberal to attend this day, in order that Parliament itself, as well as the Lord Chancellor, may not be brought into 'contempt.'" The right hon. Gentleman then moved, after handing in the *Morning Chronicle* of Thursday, Feb. 16, to the clerk at the table, that John Black, the printer and proprietor of the *Morning Chronicle*, be summoned to attend at the bar of the House the next day.

Lord *John Russell* could have wished

that the right hon. Gentleman had taken some further time for consideration before he adopted this proceeding. However, if the right hon. Gentleman, as he appeared to be, was only the organ of the Committee of Privileges, then he must say that the Committee, in wishing to press this matter, had not in his judgment, taken a course which was either worthy or expedient. The House had been accustomed now for some years to indulge public writers in a great latitude of observation; and the custom which formerly prevailed of Members taking offence at some paragraph or other, and calling the publisher to the bar, had fallen into disuse. He must say, that for the last two or three years, if any complaint of this kind was to be made, those who had most often cause to complain were the majority of that House. There were no terms of abuse, no terms by which men could be vilified or lowered in the estimation of their fellow country-men, which had not been applied to the majority of that House. But, to pass over minor observations of this description he would refer to a charge delivered by a Lord Bishop, in which after representing the majority of the House and their proceedings to be under the guidance of a faction who wished to destroy all the institutions and establishments of the country, said that certain Members of that House who were sufficiently designated by the reverend Prelate professing the Roman Catholic faith, had been guilty of treachery and perjury. He must say, that if they were to take notice of breaches of privilege of this kind, they ought not to lose a moment in vindicating the honour of those Members of the House, who for giving their votes in Parliament, and for nothing else, had been declared by the right rev. Prelate in his charge to his clergy to have been guilty of treachery and perjury. For his own part, though when he read that pamphlet he thought it as gross a breach of privilege as had ever been committed, yet he was convinced that the Members who were attacked and the House would do better to treat it with utter contempt, and not take any notice of such proceedings, but act according to their own sentiments of what was their duty as Members of the Legislature. Were they, then, now to be told that they ought to take up cases of this kind, in which a journalist had thought proper to state that some Members of the Committee of privileges had been "whipped up," and that the Committee was in some degree influenced by party spirit? Even supposing that there was some foundation for that charge, what did it amount to? Why, merely that party feeling prevailed in that House, which could hardly escape its influence, while so much party spirit existed in the country, and that some Members of the Committee had attended more from party spirit than from a desire to give a fair and dispassionate consideration to the question before it. He would not enter into the consideration of the course which the Committee had pursued during the investigation. He thought that their best vindication was in the Report which had been presented. They had given as their opinion—an opinion from which he, on the only occasion on which he attended at the Committee, differed—that they were bound to sift the entire charge against Mr. Charlton, and examine the letters addressed to the Master and the Lord Chancellor. He differed from them in that respect, but these Gentlemen said that they were bound to protect the Members of that House in the enjoyment of their just privileges, and that an inquiry was necessary. He believed that they had come to a correct decision, in declaring that Mr. Charlton's privilege of Parliament ought not to protect him under the circumstances, and he must say that having so acted, to prosecute the writer of a paragraph in a newspaper was really beneath the dignity of the House. He was told that there were paragraphs on the opposite side with regard to the divisions in the Committee, either attacking or ridiculing, he did not know which, his hon. and learned Friend the Attorney-General for the part he had taken. If, therefore, the House should resolve to call before it the writer of the paragraph in the *Morning Chronicle*, they would be obliged to order the attendance of the printers of the *Morning Post* and the *John Bull*, and see what were the observations which had been made with respect to the conduct of the House of Commons. He really did hope that the Committee would be satisfied with what had been done, and would not think of carrying the proceedings further. If the Committee wanted any defence, it was contained in their own report. It was very inconvenient to take notice of all observations on the character and conduct of the Members of the House when acting in the performance of their duty. He really hoped the matter would not be further proceeded with, and that it would not be necessary to discuss the question, but that the sense of the House would be against it.

Mr. *Praed* was not going to oppose himself to the sense of the House on this motion, but having been regular in his attendance at the Committee he wished to say a few words. The noble Lord had attempted to defend one violation of their privileges, by referring to what the noble Lord called another. He could not however conceive the least analogy between the case cited by the noble Lord and that to which his right hon. Friend had called the attention of the House. At all events, the discussion of a question of very grave importance was not to be approached in the manner in which the noble Lord, as he thought with very mistaken taste, had treated it to-night. He was very sorry that two questions of very serious Parliamentary importance should have been received with levity, but he assured them, whatever reception might be given to the observations he had to offer, that it would not disturb his self-possession. He trusted, at the same time, that he should not himself say anything offensive to the feelings of any individual, or discourteous to the House at large. With submission to the noble Lord, he would submit to him a case a little more analogous to the case then under their consideration. An individual had written a private letter offensive to a person exercising the functions of a judge in a particular case, and calculated improperly to influence his decision in a matter pending before him. For writing that letter the Lord Chancellor had committed that individual to an indefinite imprisonment, and he now stood committed to the Fleet for writing that offensive private letter, calculated to produce an influence upon the decision of the proper judge, until the Lord Chancellor should make a further order. But here was a paragraph in a newspaper published, calculated improperly to influence the Members of the Committee of Privileges in the discharge of a judicial duty, and he must say, that the writer of the paragraph ought to have some kind of regard to the subject which formed the matter for the investigation of the Committee. It did appear to him, that as the Committee was a strictly private one, and carried on its proceedings with closed doors, an inquiry was necessary in this case, because the writer almost assumed that he derived his information from some Member of the Committee, and it occurred to him that there was no other opportunity of pointing out the gross and scandalous nature of the paragraph than by adopting this mode of proceeding. For his own part, having been most assiduous in his attendance on the Committee, he would say, that on his honour as a Gentleman and Member of Parliament, he believed that there was not a shadow of foundation for one single innuendo contained in the paragraph in question.

Mr. *Wynn* had no wish to press the motion, but he had brought it forward in the exercise of an indispensable duty, as Chairman of the Committee. He would not enter into any argument on the question, but it appeared to him that the present case was widely different from any which the noble Lord had cited, inasmuch as it represented a Committee of the House of Commons sitting upon a judicial question as a packed special jury. It was infinitely more offensive than any of the publications which had been mentioned. He could only appeal to hon. Members opposite, who had attended the Committee, to declare whether they believed that any Members of it were actuated by an undue political bias. He had sat in the chair, and he certainly could declare, as his hon. and learned Friend (Mr. Praed) had done, on his honour as a Gentleman and Member of Parliament, that he had seen nothing of the kind.

Motion by leave withdrawn.

Privileges Publication.] Lord *J. Russell* next rose to move for a Select Committee on a subject certainly of very great importance, but on which, at that stage of the proceedings, he did not think it right to address the House at any length. With regard to their privileges, it appeared to him that they had now come pretty nearly to what was, as he thought, a proper position for them to hold — namely, that they possessed every privilege necessary for carrying on their proceedings freely and undisturbed, while they did not wish to carry them beyond that limit. In former times it might have been necessary to punish a judge for invading their privileges, because then the prerogative of the Crown had been employed for the purpose of interfering with the proceedings of the House. But those times had long since gone by, and at present it was only necessary for them to take such proceedings as would enable them to carry on their discussions or debates, and attend to the business of the country, without disturbance in the exercise of their function. These were powers which all courts ought to possess, and which all courts assumed. The question to which he wished immediately to call the attention of the House was the proceedings which had taken place in the Court of King's Bench with respect to the publication of papers ordered to be printed by the House. Now, he thought it could not be denied that the House must have a certain latitude in that respect, and that they ought to prescribe for themselves what that latitude ought to be. In ordering any papers to be printed and published, it was, he thought, hardly necessary to argue that their distribution ought not to be confined to Members of the House, because, if they took such a limit they would evidently be without the means of proceeding and judging in many cases for which they had to legislate. It was one of the most important privileges of the subject, that all men should have the right to make their complaints known to that House, and if the House received all complaints that were made, some of them which were not capable of proof might, in the eye of the law, be considered libels. But it would be impossible for the House to lay down a limit so as to prevent complaints being made to the House, and by the House transmitted to the public; if its proceedings were not known, it would be impossible for the House to legislate for the country. Then arose the question whether if the House made its proceedings in any way public, it was to do as in former times—publish them under the authority of the Speaker of the House, or in any other way? Both methods were, as he believed, publications in point of law. The issue of 1,200 copies of any report by order of the Speaker was as much a publication as a sale of any number of copies; and he could not see, for his part, the grounds upon which the issue by order of the Speaker should be considered a fair and permitted proceeding, and the publication of them by way of sale, and under the authority of the House, should bring the printer into a court of justice, and he be made to suffer damages by action at law. But before they came to any decided opinion on the subject, they would find it more advantageous to have a Select Committee for the purpose of stating to the House what precedents had arisen, and what was the law and practice of Parliament with respect to the publication of their proceedings. The question which had arisen was one which fairly brought the matter in dispute under the consideration of Parliament. It had originated in the publication of a report which he had himself presented to the House, not by command from his Majesty, but in pursuance of an Act of Parliament, which directed that the reports of the inspectors of prisons should be laid before Parliament. The inspectors had stated what cases of abuse they had discovered, and the reasons which had induced them to call attention to such abuses; and if they had not done so, how was that House to apply a remedy to a public grievance? There was no stepping out of their way on the part of the inspectors; no wish on their part or his who laid the report on the table to injure a private individual, and, therefore, he thought, that if in such cases it were not allowable for the House to publish its proceedings, and they were to submit to such a restraint on their power, they would be setting a precedent by which their usefulness as members of the Legislature would be very much curtailed, and in a great degree destroyed, and they would leave persons acting under their orders liable to penalties and forfeitures in the courts of law. He would not detain the House by citing any precedents now; he wished rather to wait till the Committee had made their report, and, therefore, he would conclude by moving—"That a Select Committee be appointed to ascertain the law and practice of Parliament respecting the circulation and publication of papers printed by order of the House both prior to, and since, the order for the sale of such papers."

Mr. *Williams Wynn* would be very sorry to enter into any argument founded on the particular circumstances of this case, which were stronger than all others which had occurred with respect to the attempt made to limit the privileges of the House; but he must say, that if there was one case which afforded a fuller justification than others for the exercise of their authority, that was to be found in the present. The House, in consequence of complaints that had been made respecting prison discipline had passed an Act directing inspectors to be appointed, who from time to time should make reports to the House. A report from those inspectors being printed and laid before the House by the Secretary of State, in order that the report should be of service, it was essential that it should be circulated through the country. He might be allowed further to say, that it was essential also by publication to permit those who found themselves censured in any respect to defend themselves and obtain an opportunity of making a counter statement. He really felt bound to say, that this case seemed to him to form one of the best vindications that could be made out of the expediency of ordering publications of this kind to be sold, even if they had not the practice of Parliament for the last 150 years in their favour.

Motion agreed to, and Committee appointed.

PLURALITIES.] Lord *John Russell* moved for leave to bring in a Bill to restrain and regulate Pluralities, and to enforce residence in certain cases. He did not think that it was then necessary for him to go into any lengthened explanation of the Bill, as it was nearly similar to an Act which was introduced last year, and which passed the House of Lords and went through some of its stages in that House. The chief object was, to prevent the holding pluralities in all cases where the livings were ten miles apart. He thought that it would be much better to discuss the Bill after it had been brought in and printed; for instance, on the second reading. He concluded with moving for leave to bring in a Bill to restrain and regulate pluralities, and to enforce residence in certain cases.

Mr. *Hume* concurred with the noble Lord, that it would be better to discuss the merits of the Bill at a future stage; but he begged to protest against any measure that would have the effect of legalising pluralities. He never could sanction them, but would abolish them altogether; and on the next occasion he was determined to take the sense of the House upon the subject. He rose to make these few observations, lest, as happened last year, his silence might be construed as assenting to this and the other Church Bill.

Motion agreed to.

BENEFIT SOCIETIES.] Mr. *Barlow Hoy* rose, in pursuance of the notice he had given, to call the attention of the House to the number of petitions presented from various parts of the country with respect to benefit societies. He was of opinion that it would be of great advantage that the laws by which they were governed were embodied in an Act, and that this Act should be so framed that, while it imposed checks sufficient to prevent abuse, it did not unnecessarily restrain them, or deprive them of the power of managing their property. He had endeavoured in the last Session to obtain a Committe to inquire into the nature of these societies generally, and the Chancellor of the Exchequer, requested a postponement of his motion, on the ground of the important business which remained to be done at the end of the Session, but did not oppose the motion on any other grounds. He would now ask what more important business could the House have before it than this, which regarded the interest of 12,000 or 16,000, societies, the number of members of which was about two millions?—and it might be fairly calculated that the interests of at least 3,000,000 of individuals were involved directly in the welfare of those societies. The members of them wished to set aside, in the days of their youth and strength, a portion of their earnings which would assist them in old age and sickness, and thus be enabled to stand aloof from the assistance of poor-laws, charitable institutions, or of alms. He considered, therefore, that they were worthy of encouragement, and instead of being controlled and restrained by one barrister, that they should be allowed to frame their own rules, which should be sufficient for their government when signed by the magistrates at quarter sessions, or by a barrister of four or five years' standing. The extension of those bodies would tend to remove a heavy burthen from the poor-rates; for the Members wished to keep themselves independent of the workhouse, to keep aloof from the relief provided by the Poor-laws, and instead of being restrained or embarrassed in their operation by the laws, they ought to be encouraged by those laws; and, in his opinion, the more they were left to themselves in the management of their property, it would be so much the better. He thought that they ought to be allowed to frame their own laws, and when those laws received the sanction of the magistrates at quarter sessions, such laws, so sanctioned, would, he was certain, be found well adapted to promote the good government of those societies and to secure the objects which the members had in view. The mode at present in operation tended to fetter their operation, and to restrain their increase; and the variety of laws which were now in force, and which distracted and bewildered simple men, by their apparently contradictory character, had in many instances, prevented the formation of benefit societies. If, then, those who had forwarded petitions to that House were right, and if their complaints were well founded, the House ought to alter the law, and to substitute some easy method which would be understood, without difficulty, by all men. Now, the truth of the allegations contained in the petitions could only be ascertained after full and fair inquiry, and he therefore hoped that a Committee would be granted, upon the report of which a comprehensive measure could be framed for the regulation of those important institutions. At present there were twelve or thirteen Acts relating to benefit societies, and in his opinion all those Acts ought to be repealed, and one of a more simple and general character introduced in their place. The rules of those societies ought not to be placed in the power of a barrister, residing at a distance perhaps from the spot where the institution was formed; nor ought they to be strictly assimilated to each other, for local peculiarities would necessarily demand a body of regulations adapted to those peculiarities, and no barrister could, however able he might be, form one general table which would be applicable to every case. He therefore trusted that the noble Lord would allow a Committee; that he would grant those institutions the protection craved in the petitions which had been presented; and that he would, in short, allow them to do what they pleased with their own. It was his wish to aid his industrious countrymen; he had no personal object in view in bringing the subject before the House, and he hoped that the praiseworthy efforts of the humbler classes of their countrymen to assist each other, and to keep themselves independent of the Poor-laws, would meet with every encouragement from that House. The hon. Gentleman concluded by moving for the appointment of a Committee.

Mr. *Poulett Thomson* said, it was because he felt deeply the importance of benefit societies, that he would entreat the House not to grant the Committee which the hon. Gentleman had moved for. During the last few years several Committees had sat for the purpose of inquiring into the operation of the laws for the regulation of benefit societies: and the result had been, that a Bill was brought in by a noble friend of his, who was now a Member of the upper House, and that Bill having passed both Houses of Parliament was now the Act by which those societies were regulated. The hon. Member had talked much of the petitions and complaints made against that act; but what was the fact? Since 1829 only one petition had been presented from Scotland, one from Ireland, and about twenty from England. Now, what was the number of benefit societies in the United Kingdom? It did not fall much short of 5,000. If, then, there had been only from twenty to twenty five petitions presented to the House since the year 1829, there were, he thought, good grounds for concluding that the members of those societies were satisfied with the laws affecting the regulation of those institutions. He was convinced that to appoint a Committee, or to propose to alter the laws, would be productive, instead of a good, of a very bad, effect. To adopt such measures would create great anxiety in the minds of the members, and give rise to doubts which would retard the increase of those societies, and prevent many from joining those which were already formed, though they might be inclined at present to enroll themselves as members. The hon. Gentleman complained of grievances; but where was the hardship? By the Act, certain privileges were granted to those societies, and all that it required was, that if they chose to avail themselves of those privileges they should conform to certain things which the Act enjoined. Any Gentleman who had attended to the subject, and who had considered the operations of those societies before and since the passing of the Act, could not doubt that it had proved extremely beneficial. As far as he could understand the matter, the effect of that Act had been to give increased confidence to the members of those societies, and additional security to the poor man that his funds would not be wasted improperly. He would call the attention of the House to one fact, which he thought proved the beneficial tendency of the Act. Within a period of six years the contributors and the amount of contributions had nearly doubled. In 1829, the number of contributors was 300,000, and the amount of money lodged 13,000,000*l.*; while by the last returns it appeared that the number of contributors was 600,000, and the amount contributed upwards of 20,000,000*l.* He objected to the appointment of a Committee, because the moment the subject was touched upon by one, alarm and insecurity would pervade the minds of the poorer class of society, who were the principal contributors. If the hon. Member thought any alteration of the existing law necessary, let him bring in a Bill for the purpose, and he (Mr. P. Thomson) for one would not oppose its introduction, but would give it his best consideration. The adoption of such a course would not create that alarm which would result from the appointment of a Select Committee. No information had reached him that such a Bill was necessary or would be productive of good, or would be one to which he could give his sanction; but he considered that a more preferable course for the hon. Member to follow than the one which he now called upon the House to adopt.

Colonel *Wood* regretted the determination of the right hon. Gentleman not to grant a Committee. He thought the increase in the number of benefit societies, and their growing importance, formed a new reason for the appointment of a Committee; while the introduction of the recent measure of Poor-laws, which had thrown the poorer classes of society so much upon their own resources, rendered it a matter of the utmost importance to secure for the poor, annuities in their old age. In his opinion, benefit societies supplied those annuities on an extensive scale; and to have those institutions well regulated was an object worthy of the attention of that House. According to Mr. Price's tables the members, on the payment, periodically, of a trifling sum in their youth, were secured in the enjoyment of 6*s.* a-week when they reached sixty-five years of age, and 12*s.* a-week after seventy. If, then, the poor were not to look to the workhouse for relief, they ought to be encouraged to lay up a portion of their earnings, in the days of youth and strength, to secure them independence in their old age; and that House ought not to refuse a remedy for the grievances of which they complained, or to consider of a plan for extending the benefits which those societies were calculated to confer upon the industrious poor.

Mr. *Hume* was sorry that a Committee was refused. When the hon. Gentleman (Mr. Hoy) brought forward a similar motion last Session, the only objection on the part of Ministers was want of time; and he distinctly understood that a pledge had been given, that no opposition would, in this Session, be offered to the appointment of a Committee. He did think, that what had fallen from hon. Members on the opposite side of the House, regarding the changes which the Poor-laws were operating in society, was deserving of the most serious consideration; and if a Committee were granted, some scheme might be devised which, by means of those benefit societies, would render the lower classes of the people more independent of the relief afforded by the workhouse to the poor. He doubted whether legislation would be of any advantage to the larger societies; but there were smaller ones which did not come within the strict rule, and they could not avail themselves of the advantages enjoyed by others. He was aware that nothing could be more advantageous than to give every possible encouragement to provident societies. He had received from forty to fifty deputations from different societies, whose petitions he had presented, who approved of the Bill as a whole, but wishing that some amendment of it should take place. He agreed with the right hon. Gentleman (Mr. P. Thomson) that it would be extremely improper to put this subject at sea, but an inquiry ought to be granted. He knew at least 100 societies that required it, and whose affairs could not be provided for by the working of the present Bill. Why, he wished to know, was there an objection to inquiry? Where was the danger? The only objection that could be stated was loss of time. If the Committee was granted, the hon. Member would have an opportunity of bringing forward the alleged grievances; and if they turned out not to be of a character that required redress, the House would not be bound to act upon them. But if any benefit could be conferred, why should it not be done?

and sure he was, that the Government could not do better than encourage, to the utmost of their power, these societies. Though good might come from such an inquiry, harm could not; and he therefore hoped that, notwithstanding what had passed, a Committee would yet be granted.

Mr. *Ingham* did think that the appointment of a Committee would not be productive of any good. It would not in his opinion encourage the formation of those societies, or promote the objects which they had in view; but, on the contrary, would tend to infuse doubts into the minds of the Members, and restrain those, who might be inclined, from joining them. What the grievance was of which they complained he could not understand. A few petitions had been presented against the present regulations; but to prove that those regulations were beneficial, they had the acquiescence of the whole remaining number of the 5,000 or 6,000 societies then existing. It was said that the fee paid to the barrister for revising the rules was beyond the power of some; but this he thought could hardly be the case; and he had frequently been deputed to convey to the barrister the warmest expressions of gratitude for the interest he had manifested in the societies in his vicinity. He objected to a Committee, on the ground that its inquiries would only tend to defeat the object which the hon. Gentleman (Mr. Hoy) had in view.

Mr. *Baines* thought a Committee would prove advantageous, as it would, in his opinion, tend to increase the number of benefit societies. Those societies tended to make the humbler classes of society independent in mind, and to elevate their character; while, at the same time, they provided a certain support for sickness and old age. An inquiry would, in his opinion be productive of benefit; and any suggestion from that House would be attended with the best effect. In the town which he had the honour to represent, they had failed to found those societies on a solid foundation, and he, therefore, thought that inquiry would give permanency and stability to such institutions. He could not understand the objection of the right hon. Gentleman, the President of the Board of Trade. The right hon. Gentleman had said that a Committee would give insecurity; but in his opinion it would give confidence; and, in combination with the Poor-laws, might render those societies highly beneficial. He would state a circumstance to the House which illustrated the character of the members of those institutions. He had made some inquiries of a gaoler who had informed him that of the 20,000 prisoners he had had in his custody, there was not one man connected with a benefit society. That fact demonstrated that those societies were a guard on public morals, and they further saved the poor-rates, and in every way were conducive to the public good. They tended to make the poor their own benefactors, to teach them provident habits, and to induce them to provide for old age and sickness out of their own industry, instead of trusting to the Poor-laws for support. He therefore trusted that they would receive every encouragement which that House could give them; and a Committee to inquire into the laws affecting their operation, and into the grievances of which they complained, would, in his estimation, be productive of the best results.

Mr. *George F. Young* considered that the eulogy which had been passed by the hon. Member for Leeds on these societies was not called for, because but one sentiment prevailed on the subject, and that was, that every possible encouragement ought to be afforded them. He was in daily communication with persons belonging to benefit societies, and he had never heard any complaints from them; he therefore inferred from that circumstance, and inasmuch as he had not been called upon to support the motion of the hon. Member for Southampton, that inquiry was not desired.

Mr. *F. Baring* said, that having been a member of three Committees on benefit societies, he was bound to say that the calculations on which many of their proceedings were based, were frequently very loose. He thought, however, that no specific good would be obtained by the appointment of a Committee. Mr. Portman's Bill had in view the procuring more certain returns of the extent of the money operations of those societies, and the revision of them by a competent person, in order that new and more correct tables might be made out. This was an operation requiring time for its full development, and that time had not yet been allowed to elapse. Under these circumstances, he really did not see what call there was for any new measure on the subject of these benefit societies; and as the appointment of a Committee would occasion great inconvenience, without a commensurate good, he thought the hon. Gentleman should bring forward some specific proposition of amendment before the question could be properly mooted.

Mr. *O'Connell* said, that complaints had very generally been made in Ireland of the operation of the present laws. The leading features of the Bill and its principle were approved of, but great inconvenience had been found to attend some of its details. Thus a case was made out, not for a general inquiry, but for a specific proposition to remedy the evils that attended those details. The hon. Member for Southampton, therefore, had better introduce a Bill applicable to that part of the question. That Bill being referred to a Select Committee would afford an opportunity for considering the subject, and for receiving the suggestions of the different societies. Among other things he thought the mode of keeping the accounts might be improved.

Sir *G. Strickland* said, that since Mr. Portman's Act and the system of revision had come into operation, there had been fewer failures and bankruptcies in these societies than before. He thought the present operation of these laws beneficial, and therefore that the hon. Gentleman ought to make out a strong case before he sought to disturb them.

Mr. *Ewart* could say, from the communications which he had received from several benefit societies in the town which he had the honour to represent, that the people did not desire any change in the constitution of these societies, and that if a Committee were granted, many of them would send up deputies to prove the advantage of the present law. He thought that the suggestion which the hon. and learned Member for Kilkenny had just thrown out was a suggestion which would most effectually assist the hon. Member for Southampton in the accomplishment of his objects.

Mr. *T. Duncombe* asserted, that the mechanics of the metropolis made great complaints of the laws regulating the constitution of these societies. Within the last two hours he had received a letter from a large body of them, requesting him to support the motion of the hon. Member for Southampton. He was afraid that great disappointment would be the result of their hearing that his Majesty's Ministers were determined to oppose the appointment of a Committee.

Mr. *A. Trevor* supported the motion, as he thought a Committee would be productive of great advantage. In the country with which he was connected, the new Poor-laws had exercised a great influence upon these societies. It was said that the new Poor-laws had made the poorer classes come forward in societies to provide for themselves in sickness and old age, and had thus, to use the expression of the hon. Member for Leeds, rendered them benefactors to themselves. It was, therefore, a duty incumbent on the House to look closely at the regulations by which such societies were governed. He should be sorry if the motion of the hon. Member for Southampton was not granted.

Mr. *Forster* observed, that hon. Members seemed to be under the impression that the calculations by which these societies were governed were formed upon Dr. Price's tables. Now, the law which fixed those tables as the basis for the calculations of these societies had been repealed. If hon. Members were of opinion that that law ought to be re-enacted, that might form a subject of inquiry. At the same time, he must observe, that he was inclined to think, from the communications he had received from these societies, that there were not sufficient grounds laid for the appointment of a Committee.

Mr. *Thomas Attwood* insisted that the operatives of England disapproved almost universally of the system of law by which these societies were governed. They complained that it was unjust that they should not be allowed to invest their money as they pleased, but that they should be compelled to invest it in a manner of which they disapproved. Such of them as lived in the district with which he was locally connected, had desired him to express to Parliament their earnest wish that the present law should be changed, and that the benefit societies should be at liberty to adopt any system they might think proper, liable to the approbation of one or more of the neighbouring justices.

Mr. *Bernal* said, that he had had several petitions to present with reference to the subject then before the House. He had also intended to speak upon the question; but, seeing the indisposition of the Speaker, he would not, unnecessarily, protract the discussion upon it.

The *Speaker* immediately rose and said:—"There is no reason that I should not sit here to any hour that the House may think fit, and nothing would be more painful to me than to think that I had been the cause of unnecessarily postponing or delaying the public business."

Mr. *B. Hoy* briefly replied. He could not see how any alarm, inconvenience, or incertitude, could be created among the labouring classes by acceding to his motion for a Committee. He could not accede to the suggestion of the hon. and learned Member for Kilkenny for this reason—that the right hon. President of the Board of Trade had that evening informed him, that if he (Mr. Hoy) brought in a Bill upon the subject, he should feel it to be his duty to meet it with the most strenuous opposition.

Mr. *Poulett Thomson* said, that the hon. Member for Southampton had certainly misunderstood what had fallen from him when he last addressed the House. He had not said that he would oppose the Bill of the hon. Member; but having heard in private something of the nature of that Bill, he had said that he could not give it his support. He would now say, distinctly, that if the hon. Member chose to bring in his Bill, he would give it, as was his duty, every consideration in his power.

Mr. *M. Philips* did not wish to enter into so wide a field of inquiry as the appointment of this Committee would of necessity open. Though there were many benefit societies in the south which he represented, he had not received from any of them any complaints against the existing state of the law upon that subject.

The House divided:—Ayes 66; Noes 142:—Majority 76.

List of the Ayes.

Arbuthnot, hon. H.
Attwood, T.
Bailey, J.
Bainbridge, E. T.
Baines, E.
Beauclerk, Major
Bell, M.
Bernal, R.
Blackstone, W. S.
Bowles, G. R.
Bowring, Dr.
Buckingham, J. S.
Buller, C.
Cole, hon. A. H.
Compton, H. C.
Crewe, Sir G.
Duffield, T.
Duncombe, T.
Eaton, R. J.
Elley, Sir J.
Elphinstone, H.
Forster, C. S.
Gaskell, J. M.
Gladstone, W. E.
Grimston, hon. E. H.
Harvey, D. W.
Hawes, B.
Hinde, J.
Hogg, J. W.
Humphery, John
Jervis, John
Jones, Wilson
Irton, Samuel
Leader, J. T.
Lister, E. C.
Lushington, C.
Marsland, H.
Maunsell, T. P.
Molesworth, Sir W.
Neeld, J.
O'Brien, W. S.
Palmer, George
Pechell, Captain
Pringle, A.
Pryme, G.
Roebuck, J. A.
Rushbrooke, Colonel
Ruthven, E.
Shirley, E. J.
Sibthorp, Colonel
Stormont, Lord
Talfourd, Sergeant
Thompson, Colonel
Thornley, T.
Trench, Sir F.
Trevor, hon. A.
Vere, Sir C. B.
Villiers, C. P.
Walter, John
Wason, R.
Whalley, Sir S.
White, Samuel
Wilks, John
Williams, W.
Wodehouse, E.
Wood, Colonel

TELLERS.

Hoy, James B.
Hume, J.

List of the Noes.

Adam, Admiral
Aglionby, H. A.
Agnew, Sir A.
Alston, Rowland
Angerstein, John
Attwood, M.
Barclay, D.
Barclay, C.
Baring, T.
Barnard, E. G.
Bentinck, Lord G.
Bethell, Richard
Bewes, T.
Bish, T.
Blake, M. J.
Bodkin, J.
Bolling, W.
Borthwick, Peter
Brady, D. C.
Bramston, T. W.
Bridgman, H.
Brotherton, J.
Browne, R. D.
Buller, E.
Bulwer, E. L.
Byng, G. S.
Callaghan, D.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cayley, E. S.
Chalmers, P.
Chaplin, Colonel
Chapman, A.
Chetwynd, Captain
Chichester, J. P. B.
Chisholm, A. W.
Collier, J.
Coote, Sir C.
Crawley, S.
Dalmeny, Lord
Divett, E.
Donkin, Sir R.
Ebrington, Viscount
Ewart, W.
Fazakerley, J. N.
Fector, J. M.
Finn, W. F.
Fitzsimon, C.
Fitzsimon, N.
Folkes, Sir W.
Fort, J.
Gaskell, D.
Gillon, W. D.
Gordon, R.
Graham, rt. hn. Sir J.
Grattan, H.
Grimston, Lord Visc.
Hall, Benjamin
Hamilton, G. A.
Handley, H.
Harland, W. C
Hastie, A.
Hay, Sir A. L.
Hayes, Sir E. S.
Heathcote, G. J.
Holland, E.
Horsman, E.
Houstoun, G.
Howard, P. H.
Hurst, R. H.
James, William
Jones, T.
Knight, H. G.
Law, hon. C. E.
Lawson, A.
Lennox, Lord G.
Lennox, Lord A.
Leveson, Lord
Loch, J.
Long, W.
Lowther, J. H.
Martin, J.
Maule, hon. F.
Miles, W.
Miles, P. J.
Mosley, Sir O.
Mostyn, hon. E.
Murray, rt. hon. J.
Musgrave, Sir R.
Nagle, Sir R.

North, F.
O'Connell, D.
O'Connell, M. J.
Parker, J.
Parry, Sir L. P. J.
Perceval, Colonel
Philips, M.
Phillipps, C. M.
Plumptre, J. P.
Potter, R.
Poulter, J. S.
Power, J.
Price, S. G.
Reid, Sir J. R.
Rice, rt. hon. T. S.
Richards, J.
Richards, R.
Rickford, W.
Rippon, Cuthbert
Roche, William
Roche, David
Rundle, John
Sandon, Lord Visct.
Scott, Sir E. D.
Stanley, E. J.
Stanley, Lord
Stewart, J.
Strickland, Sir G.
Stuart, Lord J.
Stuart, V.
Sturt, H. C.
Tancred, H. W.
Thomson, C. P.
Townley, R. G.
Troubridge, Sir E. T.
Tulk, C. A.
Tynte, C. J. K.
Vesey, hon. T.
Vyvyan, Sir R.
Walker, C. A.
Wall, C. B.
Wallace, R.
Warburton, H.
Weyland, Major
Wigney, Isaac N.
Wilde, Sergeant
Williams, R.
Williams, W. A.
Worsley, Lord
Wynn, rt. hon. C. W.
Young, G. F.
Young, J.

TELLERS.

Ingham, R.
Baring, —

THE SPIRITUAL PEERS.] Mr. *C. Lushington* said, in reference to the observation made by an hon. Gentleman near him respecting the health of the Speaker, that he was perfectly ready to postpone his motion if such were the wish of the House. [Cries of "*No, no.*"] He would then proceed. So much had at different times been said in that House on the subject of Church reform, that it would be unnecessary for him to trouble them with any preliminary remarks; and he felt quite sure, that the House, would be disposed to entertain with patience such statements and reasonings as the nature of the question rendered it necessary to lay before them, and that he hoped the time had now arrived when the question which his motion involved would be thought to merit more serious attention than motions of a similar character had hitherto obtained. He hoped also that in any remarks which he might make, he should manifest that which he really felt—a sincere respect for the motives of every hon. Member, while on the other hand he thought he had a right to expect that his own motives would not be misinterpreted. The question was one of the gravest moment—it was one of such paramount importance, that he hoped the House would feel the indulgence of any prejudice whatever on such an occasion was utterly misplaced. It was, he would maintain, the duty of every man in that House to come to the discussion of that question with an earnest wish to examine it deliberately, and to decide upon its merits after cool reflection. He had long pondered upon the question with much anxiety, but in arriving at the conclusion to which all his deliberations led, he must say, that he paid very little attention to the records contained in the journals of the House of Lords, and as little to the proceedings of the House of Commons. He rather preferred to study the effect which the existence of spiritual Peers had upon the minds of the people than the opinions or feelings which their presence within the walls of Parliament might have produced upon the Members of either House. Besides endeavouring to ascertain the effect which such a practice had upon the minds of the public at large, he had examined several polemical writers, and he had gone the length of consulting upon the subject that highest of all authorities, in which there was no error—that code which could not be disputed. The House need not be apprehensive that he was about to deliver a homily—all he meant then to trouble them with on that point was, that in the sacred volume there could be found no authority, no trace of an authority, for that frequent desertion of their spiritual duties of which Bishops, so long as they remained Peers of Parliament, must necessarily be guilty. The object of his motion was to relieve spiritual Peers from Parliamentary duties—to relieve them from duties incompatible with a discharge of the sacred trusts committed to them, and which they had vowed and sworn in the most solemn manner to fulfil. He was as willing as any man to allow for change of circumstances—he was willing to make ample allowance for an alteration in the spirit of the time, but he could not help referring once more to the fact, that the highest of all authorities, not only did not contain any sanction of an union of temporal dignities with the episcopal office, but expressly prohibited to Bishops an interference with secular affairs. Their interference in secular administration had been by Bishop Watson well described as a pollution. The opinion was not confined to that right rev. Prelate, it was shared by laymen of the most eminent character, and not only by those, but by many pious clergymen of the Established Church, who regarded the union of secular with ecclesiastical duty as highly detrimental to the interests of religion, and as incompatible with the episcopal character. The reputation of Lord Henley as a writer upon Church Reform, was well known to the House, and that noble Lord most distinctly recommended that the Bishops should not retain their seats in the Upper House of Parliament. That eminent person, Mr. Knox, a high Churchman, whose correspondence with Bishop Jebb, must be known to many hon. Members, observed in another work—"The dignities, titles, and emoluments of our establishment obviously constitute as severe a test of virtue as the mind of man could well be tried by; and that these objects minister to the bad passions of thousands, must be admitted." Such were the sentiments of an enlightened clergyman of the Established Church. In those sentiments he was sure many members of the Established Church, both lay and clerical, cordially concurred. But he would read an extract from a pamphlet, published a few months ago, entitled *Fundimental Church Reform.* This tract, he premised, was written by a clergyman, who had not announced his name, though the finger of fame had pointed at the author. Young, noble, liberal, erudite, eloquent, and pious, a hundred mitres could not add to his impressiveness in the pulpit, nor increase his Christian influence. The writer remarks, speaking of the Bishops, "Some of our Bishops are still too wealthy. Should it be said that their wealth is needed to maintain their dignity as Spiritual Peers, it may be replied, that their Spiritual Peerage is worse than their wealth. They ought to retire from Parliament, and then their wealth would be no longer requisite. Retire they will before long. Public opinion cannot long permit such a hindrance to their usefulness. Of all the irrational practices defended by some, and allowed by multitudes, just because we are so much creatures of habit, this is one of the most irrational. In every view of the case it is mischievous. It makes the whole bench a moral Maelstroom, sucking even remote circles of the clergy into a gulf of worldly ambition. To the Bishops themselves the temptation to worldliness must be almost insuperable." . . . . "Sometimes by voting with Ministers against popular opinion" (the rev. Gentleman must refer to other times), "however conscientiously, they have disgusted many. They have increased that disgust by their professional defence of our establishment; but when, except in one or two illustrious instances of individual fidelity have they defended evangelical religion, or taught the House of Lords to base all legislation on a reverence for God and for his word? It has stamped the Church with an aspect of secularity highly detrimental to its spiritual influence. It has accustomed the more licentious journals to throw unmeasured contempt upon the whole episcopal order. It has made Bishops courtiers, it has estranged them from their clergy; with the dignity of Peers they have assumed, perhaps unavoidably, a forbidding superiority over their brethren; they can never be brotherly—they can scarcely be paternal. On all accounts, therefore, their retirement from the House of Lords is much to be desired; and the Bishop, who, in his place in Parliament, superior to self-interest and prejudice, and the animosity which might be caused in the minds of a few, should move this removal, would deserve to have his name enrolled among those of the most distinguished patriots." Such were the sentiments of an enlightened clergyman, in the substance of which immense numbers of churchmen, clerical as well as lay, cordially participated. Those were the observations he admitted of an anonymous clergyman; but what said the Rev. E. Duncombe, Rector of Newcastle-upon-Tyne, in a pamphlet, entitled *A Guide to Church Reform?* He hoped the House would bear with him whilst he read a little more on the subject. Mr. Duncombe said "Pomp, and form, and absence, have supplanted the authoritative powers of respect, and presence, and affection. Instead of flying to a diocesan with the dependent love and anxiety of children, many of his clergy approach him with fear and trembling, enter his palace and await his coming with nervous apprehension and breathless palpitations, and quit it grateful that the interview is over." And again — "Our Bishops hold merely their formal and periodical intercourse with their clergy, are rarely ever seen, still more rarely known, by the laity of their dioceses."—Besides the very good authority he had already referred to, he begged to draw the attention of the House to the evidence afforded on this subject by a dignitary of the Established Church. "A good and honest Bishop," says a canon residentiary of St. Paul's, who has lately written a pamphlet, commenting on the acts of the ecclesiastical commission (I thank God there are many who deserve that character), "ought to suspect himself, and carefully to watch his own heart. He is all of a sudden elevated from being a tutor, dining at an early hour with his pupil (and occasionally, it is believed, on cold meat), to be a spiritual Lord; he is dressed in a magnificent dress, decorated with a title, flattered by chaplains, and surrounded by little people, looking up for the things which he has to give away; and this often happens to a man who has had no opportunity of seeing the world, whose parents were in very humble life, and who has given up all his thoughts to the frogs of Aristophanes and the targum of Onkelos. How is it possible that such a man should not lose his head, that he should not swell, that he should not be guilty of a thousand follies, and worry and tease to death (before he recovers his common sense), a hundred men as good, and as wise, and as able as himself?" Various writers, at various periods, amongst the laity, amongst the subordinate clergy—of episcopal, nay, of archiepiscopal rank—had expressed their objections to the union of ecclesiastical with secular dignity. Archbishop Leighton would not allow his household, or any over whom he had authority, to address him, my Lord Bishop, and when strangers so addressed him, he never failed to express his displeasure. That eminent Prelate, as well as the various other authorities to which he had referred in support of his motion, considered the title of Lord as a distinction, the tendency of which was directly the reverse of favourable to the interests of the Established Church; so far from securing the affections, it did not even command the respect of the people. And this could hardly be matter of surprise, for the influence of such distinctions naturally was, to engender loftiness of demeanour, contemptuousness, and arrogance—habits which they carried with them, even into the sanctuary. He would suppose that any Member of that House happened to go into a provincial cathedral, he would naturally ask, who was that stately personage habited in robes of white and black, with lawn sleeves, walking up the aile, accompanied by his dean and chapter, and his vicars choral, preceded and followed by the inferior officers of the cathedral; the organ, which should peal in honour of the Creator, sending forth its notes to welcome the creature. If any one inquired for whom all this pomp was produced, in whose honour this splendid and imposing ceremonial was gone through, the reply could hardly be, that it was in honour of one of the representatives and successors of the apostles; such a reply would be hardly consistent with the general character and aspect of the spectacle then presented to view, and yet it would be nevertheless true that that elevated dignitary claimed to be the successor, representative, and imitator, of the humblest of mankind. He repeated, that if the inquiry were made, the answer would be, that the personage in question was no other than the Lord Bishop of the Diocese, who was now welcomed with all this homage, after seven or eight months absence; who had arrived from his London mansion at his country palace, and as a part of the ceremonial, was then mounting his throne in the house of God, to be gazed at, and reverenced as something above humanity, exempt from the frailties and imperfections of our common nature. While seated on that throne, if his thoughts wandered to the last vote he might have given in Parliament, it would probably turn out to have been one tending to disturb the peace of 8,000,000 of his fellow-creatures, and to plunge into desolation and blood a whole people, and yet if he were called on to defend such a vote, he would say, that it had been given in the service of God, and in the faithful discharge of his sacred office. Returning, however, to the grand ceremonial going forward in the cathedral, he would say, there might be scoffers found in that assembly who would think that its gorgeousness ill accorded with the humility and self-denial which were generally thought to be one of the most important duties of a Christian Minister to inculcate by his precepts and enforce by his example. Might not a person, on leaving such an assembly as that, contrast, without occasioning much surprise, the humility of the apostles with the magnificence of their successors? It was a magnificence sufficient to dazzle one of the most virtuous and amiable men that ever sat on the episcopal bench—the late Bishop Jebb, as appears from his correspondence with Sir R. Inglis, in which, within the compass of one short passage, he twice referred to his enthronement as a matter in which he felt a deep interest. With the permission of the House, he would take the liberty of reading to them the passage to which he referred. It was really not beside the question under discussion; and he considered it in many points of view, to be both interesting and important. The hon. Member read the following extract from a letter of the right rev. Prelate:—"This is the first day I was able to set apart for being enthroned in the cathedral of Limerick. On many accounts—political, moral, and religious—I do not like the reducing this, which ought to be a solemnity, into an unimportant form; matters, therefore, were so arranged, that the chapter, headed by the dean, met me at the cathedral door, a short time before the hour of daily service, which immediately followed the act of enthronement, and thus one had something more than a legal and official ceremony." Thus it appears that, in the opinion of this good Bishop—he who so extolled the humility of that "human seraph" Archbishop Leighton—political ends were to be promoted, and religion benefited by his unusual ceremonious enthronement. The following year he left his diocese or pastoral duty in the month of January, and did not return to it till September. The exercise of their baronial duties greatly interfered with the clerical offices of Bishops; it was impossible that a Bishop could attend to the duties of his diocese and to his duties as a member of the Legislature at the same time. But the evil was rendered still greater, as it happened, that it was almost always found, that the bench of Bishops opposed every measure of a liberal tendency, or which enlisted on its side the feelings of the people; that, in fact, they invariably opposed every proposition that had for its object the extension of liberty, civil or religious. It was not the custom of any other Protestant clergy to mix up baronial and ecclesiastical privileges. In the Church of Scotland there was no union of civil and ecclesiastical offices; and as an instance of the rigour with which this principle was enforced, he might mention, that Lord Belhaven was compelled to give up the office of elder when he undertook the office of Lord High Commissioner of the General Assembly. Neither was the English form of Church Government permitted in Denmark, Sweden, or the United States, or amongst the Protestant Bishops of Germany. The Established Church in England was the only church, except the Roman Catholic Church, which suffered the heads of the church to intermeddle in political affairs. But in some Roman Catholic countries, the Bishops were prevented entirely from interfering in political affairs and the consequence was that they enjoyed the reverence and respect of all classes and parties in the country. If the Bishops of the Church of England followed this example, they would meet with the same reverence and respect. Let them remain in their dioceses, let them promote education, let them exalt their clergy, and apply themselves devotedly to those duties to which, by the most solemn pledge, they were bound. They would then, no longer be assailed; they would meet their reward in the affection and reverence of a whole people. When he used the expression of "exalting the clergy," he meant it in a very different sense from that in which it had been lately used in the address of a certain prelate at an ordination. The charge to which he alluded, comprised forty-eight octavo pages, forty-one of which were occupied in a political discussion of certain Acts of Parliament passed last Session, one of which, especially, this political Prelate, described as "degrading and corrupting," as "wholly unnecessary," "as pregnant with the most disastrous consequences to the Church of England," as replete with danger and mischief; and he charges the members of the Ecclesiastical Commission with "a proneness to extend their own powers, a mischievous latitude and laxity in construing the terms in which their trust is confided to them; a violation, in short, of both the letter and the spirit of the commission under which they act." He would ask whether charges of this description were calculated to increase the respect of the people for the Established Church? And let it be remembered, that the Acts thus described, thus commented upon, received the sanction of his Majesty, who was not only the political, but the spiritual head of the Church. He was not surprised, when the heads of the Church thus took the lead, that the inferior clergy should follow the example of their superiors, and become notorious, from the dean down to the lowest curate, for their addiction to politics. There could not be a better proof of this than the fact, that Dr. Hampden, a most eminent, learned, and pious man—was made the victim of clerical vengeance, because he dared to advocate the admission of Dissenters to the University. A political bias extended through the whole of the clergy from the highest to the lowest. In the case of Dr. Hampden, the clergy of the University of Oxford and the Vice-Chancellor, objected to the appointment, although it was sanctioned by his Majesty; and they had seen many instances lately, in which the clergy of the Established Church had shown disrespect to his Majesty's representative. The people saw these things, and saw them with regret, and they attributed them in a great measure, if not entirely, to the political character given to the Church by the admission of Bishops into the House of Lords. The hon. Member concluded by moving the following resolution:—"That it is the opinion of this House, that the sitting of the Bishops in Parliament is unfavourable in its operation to the general interests of the Christian religion in this country, and tends to alienate the affections of the people from the Established Church."

Mr. *Hawes* rose to second the motion; he did so most cordially, under the conviction that by so doing, he was giving the best support to the religious character of the Established Church; and, at the same time, acting upon the soundest principles of religious liberty. It was, in his opinion, contrary to the doctrines of religious liberty that any one sect or denomination of Christians should possess political powers which others did not enjoy. Those who had advocated the Test and Corporation Acts, and the measure of Catholic Emancipation, but who now opposed Government, ought to have known that the vantage ground which the friends of religious liberty had thereby obtained would be made the most of on every occasion in their power. They should not be surprised, therefore, at the motion which was now made. Lord Henley had stated in his pamphlet on the subject of Church Reform, that the strength of the Church should rest in the heart and good esteem of the people, and ought not to be polluted by politics. It was mischievous to the Church, therefore, as well as injurious to the State, for the Church to mingle in politics. If any argument were wanted to prove this, he would point to the Church of England, and ask what had it gained by its political supporters? and then to the Church of Scotland, and ask whether that Church was not every way as secure as the Church of England, although she had no Parliamentary privileges? Look at the Dissenters of England also—was there any lack of defenders for their rights? Not at all. He was convinced, that if the Church of England left her defence in the hands of laymen, instead of taking it into her own hands, it would be much better for her.

Mr. *Hume* presumed that the arguments which had been used by the hon. Mover and Seconder on this occasion were such as could not be answered, at least nobody on the other side seemed prepared to answer them. He rose, therefore, chiefly with a view to claim the vote of the noble Lord, the Secretary for the Home Department. The same arguments which the noble Lord had used the other night, in giving his candid opinion that clergymen ought not to belong to the commission of the peace—applied to Bishops sitting in Parliament. The noble Lord had impressed upon the House, that the duties of clergymen were inconsistent with the commission of the peace. If that argument were true as respected clergymen in general, he thought it peculiarly applicable to the Bishops, who had plenty of duties to attend to if they chose, and were well paid for it. Now, he would first put this question to the noble Lord: whether, upon the same principle he had formerly laid down, the presence of the Bishops in the House of Lords was not inconsistent with their sacred duties? The Bishops had always acted the part of political agents in the House for the Government which had preferred them. This was not precisely true, perhaps, of late years, for latterly the Bishops had been generally opposed to the Government. But let them look back at the history of former years, and they would find that for ages the Bishops had been the constant supporters of Government in everything that it proposed militating against the people, instead of interposing as peace-makers between it and the people over whom it sought to tyrannise. The Bishops had always been the aiders and abettors of tyranny. Did any one deny it? He defied any of the hon. Gentlemen opposite to point out a single instance where the Bishops, as a body (he did not deny that there had been some honourable exceptions occasionally), had not always been forward in aiding and abetting against the people, and every reform to which they aspired. They had opposed the abolition of the Slave-trade; they had thrown impediments in the way of the education of the people, while, on the contrary, they ought to have considered their own immediate business; and, as for every improvement in the internal state of the country, he defied any hon. Member to show that the majority of the Bishops had ever always aided and abetted it. By such conduct, the Church had essentially diminished the strength of its hold on the country, and the sooner the practice of Bishops sitting in Parliament was done away with, the sooner the Bishops were sent back to the duties of their dioceses, the better it would be for themselves, for the establishment to which they belonged, and for the community at large.

Lord *John Russell:* Sir, as the hon. Member for Middlesex has taken upon himself to state my opinions, I shall take the liberty of denying the accuracy of his report, and at the same time take the opportunity of informing the House what are my opinions in my own way. The hon. Gentleman who brings forward this motion in so doing brings forward a proposal for a change in a very essential principle of the British Constitution, which, as he must be aware, recognises "the Lords spiritual and temporal and the Commons, in Parliament assembled." The change which the hon. Member proposes to make in this constitution is of a very essential and prominent nature. It is not like the change which we effected when we passed the Reform Bill, which was done upon the ground that the House of Commons, which ought to represent the people, did not sufficiently do so, and that it did not perform the functions which it ought to perform, and in consequence of which it became necessary to make it more in accordance with the ancient Constitution. Now there is no such claim, there are no such pretensions, in support of the present motion. It is a motion to alter one of the most ancient points in the constitution of these realms, and to resort upon new grounds to a new constitution of Parliament. I say, therefore, that to such a change I am averse, unless I have the strongest reasons, not vague and undetermined, but strong and well defined reasons in its support. Now the reasons by which the hon. Gentleman sought to advocate his proposal are altogether vague, desultory, and unsatisfactory. The hon. Gentleman began by talking of removing the Bishops from the House of Lords; but appeared to be altogether uncertain with what object towards the Church, and where his object would end. The hon. Gentleman quoted Bishop Leighton, and then pointed to the Scotch Church, where there are no Bishops, in contrast with the pomp with which the Bishop is installed in this country, and the state of his enthronement on attending a cathedral, which ceremonies and state I have seen attendant upon the person of as good a man as ever lived in this or any other country. Now, to what do these allusions tend? Do they tend to the question of the removal of the Bishops from the House of Lords? Not at all; but to the establishment of the Presbyterian system of the Church of Scotland. The hon. Gentleman then referred to the United States, where there was no Church Establishment at all. When the hon. Gentleman, therefore, proposes to me to have no longer a Parliament of Lords spiritual and temporal and of Commons, but one only of Lords temporal and Commons, the arguments he uses lead at once to two altogether distinct considerations, namely, in the first place, to a Church in which there are no bishops; and in the second, to a State where there is no church establishment. Now I must own it appears to me that if these are the grounds upon which the hon. Member proposes the change he particularises in his motion, these grounds are not sufficient to support that motion, nor will the change he wishes in it be sufficient to answer the hon. Gentleman's purpose. This change, if agreed to, must lead to farther change, and I must own that such a change once commenced, I cannot see any point at which we may consistently stop short of the constitution of the United States, in which there is no established church. The hon. Gentleman who makes this motion, and the hon. Member for Middlesex, argue that there must be a distinction between civil and spiritual functions. The hon. gentleman should recollect, however, that in this country the head of the government and the head of the Church are one. The King is the head of the Church, and the Government of the

Church becomes that of the Government of the country; it is impossible, therefore, with such a Constitution to have the complete distinction of civil and spiritual functions which the hon. Gentlemen desire. Such a distinction cannot exist consistently with a church establishment. It is a very different thing for the Duke of Wellington to have said that in the appointments of magistrates it was advisable not to select clergymen where laymen could be found to do the purpose; this is a totally different principle from that proposed by the hon. Gentleman to remove the Bishops from their seats and their duties in the House of Lords. The Established Church is a distinct part of the constitution of this country. The Bishops, by holding seats in Parliament, are the acknowledged representatives of that part of our constitution. If they are to be excluded from their seats, I then do not see by what rule we could exclude the other orders of the clergy from seats in the House of Commons. It appears to me, however, that the Bishops are that portion of the clergy which can best execute the political duties of the Church, and that with the least disturbance or interruption of their spiritual functions, many of these duties being of such a nature that they can be attended to when absent from their dioceses, whilst the inconvenience attendant upon clergymen leaving the flocks of their respective parishes would be very great. However this may be, I must say I know not upon what grounds we should pretend to exclude this great body of men altogether from the privilege of being represented in Parliament, considering the property that belongs to them, and the station they hold in the country. Would it not be exceedingly unfair in Parliament to discuss and pass measures affecting all these interests—as tithes, and advowsons, and ecclesiastical property in general—and to say that on all these great questions they would not allow those who are most deeply interested in them to take any part? With respect to the total distinction and distribution of civil and political functions I own that all experience is against it, for it has been found that persons who have religious functions to perform have not confined themselves to the exercise of those functions, but have frequently taken part in political contests. But if this is a characteristic of Bishops, does not the same description apply to Dissenters? Since I have been connected with the Government, I have heard of applications to the Lord Chancellor for livings of which he had the patronage, and may therefore take the liberty of stating how these applications are made, and also the manner in which the patronage was given. I know that both in the time of the former Lord Chancellor as well as the present Lord Chancellor, such a case as this has frequently occurred. Application has been made in favour of a deserving clergyman or a curate of fifteen or twenty years' standing, and it has been urged that he was a gentleman greatly beloved, that he attended to all the spiritual wants of his flock, and that all parties were anxious that the vacant living should be given to him, and he was appointed. But might not those who contend that civil and religious functions should be separated raise their voice against such a practice, and say that though the curate is not a violent partisan, his brother, or his nephew, or his cousin is, and that the living ought not to be given to an individual connected with a person of such political opinions? With regard to the Dissenters, I know many ministers of the different sects for whom I have the greatest respect and regard; I know how much they attend to the spiritual interests of the Church to which they belong; but if I were to select those who are most respected, and if I am asked whether they separated religious functions from political, I am glad to say they do not. I am glad to say, that so long as I have taken a share in politics, I have found the Dissenting ministers the warmest friends of political liberty, and whenever the rights of their fellow-subjects have been in danger, they have always been eager to promote the cause of political freedom, and I give them credit for it. To the proposition of the hon. Member I must therefore object, because in a country like this, where political and ecclesiastical duties are so intermingled, I cannot see how, by dint of resolutions, we are to reach the millennium, and have a certain number of persons of the Established church ministers of religion —solely and exclusively devoted to religious interests, with their eyes constantly directed to what is above—and another set of persons who shall in like manner confine themselves to political interests. The hon. Member who moved the resolutions said the Bishops had for many years voted against measures in favour of political freedom, and for measures calculated to oppress their fellow citizens. Now, though I seldom concur in the votes given by the Bishops, yet I must say, while their appointment is vested in the Crown, it is natural to suppose that the Minister of the day will raise pious and learned clergymen to the bench who are favourable and not adverse to his political opinions. That, however, has not always been the case, and I can give instances of Bishops, even under Tory Governments, who have advocated the principle of separating political from religious functions. I allude to Bishop Wight, Bishop Kennett, and Bishop Hoadley, who were the warmest advocates of political freedom. The latter Prelate, in his place in the House of Lords, argued in favour of the separation of the functions, because the "kingdom of God was not of this world," and asserted in the strongest manner the Whig principles which he openly professed. And as it happened in these days, when the Government was in the hands of the Tories, so it happened when the Whigs were in office in the reign of Queen Anne and George 1st. The parties in power appointed men of learning and piety, but at the same time men who held the same political opinions. This was the case also in the time of Lord Liverpool; and what wonder, then, was there that these prelates, when raised to the bench of Bishops, retained the same opinions which they held before their appointment? Had they acted in a different manner—had they shifted from day to day—had those prelates, for instance, voted with Lord Grey on all occasions, and then shifted round and voted in a different way when the right hon. Baronet was in difficulty, though the first mode of acting might have been more agreeable to my opinions it would not have made the bench of Bishops more respected. The practice existed one hundred years ago, and continued in the Government of Lord Liverpool, and it could not be considered any argument for the proposed change that a Government which had been in office for twenty or thirty years had appointed Bishops who professed the political opinions of the party. Rather general reasons had been given by the hon. Gentleman. I dissent from these reasons, because they would not effect the object he has in view, and I am not disposed, therefore, on such grounds to agree to the alteration.

Mr. *Ewart* said, that was the way in which the question was generally met. It was not met by argument but by clamour, for he had heard no argument from the other side. The noble Lord had admitted that in former times men were created Bishops for their political opinions, and that under Whig Governments they were Whigs, and under Tory Governments Tories. He had also stated that within a certain time they had assumed a Tory character. Now the statements of the noble Lord were at variance with the Constitution. The mitred abbots were swept away at the Reformation, and that was as good a precedent for the change as any precedents for the Reform Bill. He was astonished at the arguments of the noble Lord. They were the arguments of the learned prelate, the Bishop of Exeter, to whom the noble Lord had referred in the early part of the evening. He was sorry the noble Lord had become the patron of that reverend, celebrated, and most polemical prelate, and had adopted his argument, that the Bishops were the *pastores pastorum*, and not the *pastores populi*. He would appeal to the religious feelings of the country on that point, and ask whether they represented the clergy in the House of Lords? They might represent the higher order of the clergy, but they did not represent the curates and the clergy in humble life. His hon. Friend, the Member for Middlesex, had correctly stated that the votes of the Bishops were not in unison with the feelings of the country. They had repeatedly voted against one great measure for which the people had struggled so much—the abolition of the slave trade; but he could state more, and the instance which he was about to give would show the practical grievance of allowing Bishops to sit in the House of Lords. On one occasion, and he had seen the circular, the Bishops were summoned to attend the House of Lords to vote against the abolition of the punishment of death for forgery. They went down and voted against their inward feelings, in order to fulfil their political duty. Men of the highest character concurred in the necessity of removing the Bishops from the House of Lords. Hallam stated that the Bishops should be swept away as the mitred abbots had been. Lord Falkland though a Tory, voted against them. He might quote also the authority of Spenser and Milton, who were both against them. He hoped the minority on this division would far exceed the minority of last Session, that minority had exceeded that of the preceding Session. The principle was working its way silently; there was a current underneath, the people's minds were changing on the subject, and the public feeling would eventually carry the question through the House.

Mr. *Charles Buller* was disappointed with the speech of the noble Lord, because at an early part of the evening the noble Lord had made a capital speech on their side when he described a right rev. Prelate as a libeller and a calumniator. It was strange, therefore, that he could fix on none but one right rev. Prelate, and he was astonished at his chivalry in running a tilt on behalf of one whom he had so described. The noble Lord had asked the usual question when any reform was proposed—how far would they carry the plan? He would give a plain answer: the answer of the Radicals was—they would carry the Bishops to the door of the House of Lords, and let them go whither they liked. The most decent course they could take would be to go to their dioceses. The noble Lord had spoken of Presbyterianism, and said if the Established Church were Presbyterian there would be no Bishops in the House of Lords; but did not the noble Lord know that in France the Bishops had no seats in the Upper House? And the same was the case in Spain. The Bishops in these countries had no legislative functions to perform, and why should not our Bishops be placed in the same position? Formerly there were three estates in this country. These were Lords, Commons, and Clergy; for the Clergy had a separate chamber, and were as much entitled to legislation as the Commons or Lords. That, however, had been done away with when the Convocation was abolished; and he was glad it had been abolished. The effect of the disposition of the clergy to meddle in political matters had frequently been most injurious to the cause of liberal principles. If the noble Lord were disposed to deny this fact, he (Mr. Buller) would refer him to a late contested election for Devonshire. At that election the noble Lord was defeated by a majority of six hundred; and he had understood that more than six hundred parsons voted on that occasion against the noble Lord. The noble Lord was, therefore, one instance in his own person of the evils resulting from allowing political to mix themselves with ecclesiastical considerations. At the same time, if they took the Bishops away from the House of Lords, he should have no objection to let some of the clergy into the House of Commons. Indeed he should be glad to see them there; for he was sure they would be less noisy there than elsewhere. In his opinion it was most unfitting that the First Lord of the Treasury should have religious patronage to be used for political purposes; and if any hon. Member would move for the abolition of such patronage, that hon. Member should have his support. While that patronage existed, what could be expected but that, as the noble Lord had stated, Bishops elevated to the bench by a Tory Government should support Tory principles, and that Bishops elevated to the bench by a Whig Government should support Whig principles? Let them look through the annals of the House of Lords, and they would find that the Bishops did not possess one legislative claim on the gratitude of the people. On the gratitude of Governments they had many claims; none on the gratitude of the people. On the contrary, whenever any question was brought forward which agitated and interested the people of England, the Bishops were always found banded together as one man to defeat the wishes of the people. They had opposed the abolition of slavery. [*No.*] He said they had. Let the lists of the divisions on that question in the House of Lords be examined, and that would prove to be the case. On all questions of religious toleration the Bishops had shown their hostility to liberal principles. He was for excluding Bishops from the House of Lords on a principle recognised by the Constitution in other matters. Why were Bishops not dealt with as Judges were? Judges were excluded from the arena of politics. They were all excluded with the exception of the Lord High Chancellor. He really could not understand the cause of this extraordinary denial. His argument was, that there was only one Judge recognised as such in the House of Lords, namely the Lord High Chancellor, and his legal merged in his official functions. Other Judges might be raised to the peerage, but they did not sit in the House of Lords as Judges. Members of the legal profession were told, "If you become Judges you must separate yourselves from political discussions and contests." This was most fitting; but, surely, if it were necessary to adhere to such a principle with those who only superintended the temporal concerns of the people, it must be necessary to adhere to it with those who superintended the spiritual concerns of the people. If it were necessary to guard the character of the judges from imputation, it must surely be necessary to guard the character of the Bishops from imputation. The tendency of the present system was to make at once bad Bishops and bad Peers. Instead of attending exclusively to the discharge of their important duties, the Bishops were now at the nod and beck of the First Lord of the Treasury. Hopes of promotion were held out to them as the reward of political services. The hon. Gentlemen opposite might not think it worth while, or they might not think it prudent, to argue this question. They might, perhaps, be desirous to leave to the noble Lord the unpopular task of defending the Bishops against the feelings of the people. It was of little importance what they did. Let them go on in the way they were going. The question itself was making a rapid progress in the country; and he had no doubt that ten years hence the majority in its favour would be greater than the majority against it might perhaps be on the present occasion.

Sir *Robert Peel* said, that if any unpopularity were attached to the most decided opposition to the motion of the hon. Member for Ashburton, to his full share of that unpopularity, he begged leave to put in a distinct claim. Feeling as he did upon the subject, he certainly would not be guilty of so base an action, as to leave the whole of the unpopularity with the noble Lord. It might not serve the noble Lord for him (Sir Robert Peel) to say so; but he must declare, that he never heard a speech delivered in a more manly manner than the speech of the noble Lord, or one which reflected greater credit on the noble Lord's abilities and judgment. For if it were true, as had been asserted by the hon. Member for Liskeard, that the noble Lord had lost his election for Devonshire, by the votes of 600 clergymen, and it being undoubtedly true, that a large majority of the bishops were opposed to the present Government, the noble Lord had set a most laudable example of the conduct which, under such circumstances, ought to be pursued by every man, and every Minister; and had not allowed any personal feeling to prevent him from frankly avowing his opinion on a great constitutional question like that under the consideration of the House. There was one objection to the motion of the hon. Member for Ashburton, which struck him (Sir R. Peel) as being at once fatal to it. The hon. Gentleman asked them to proceed, not by a legislative measure, but by a resolution. The hon. Gentleman asked the House of Commons to agree to a resolution, depriving a portion of one branch of the Legislature of its functions and privileges. Now what right had they to take any such step? If the hon. Gentleman were desirous of involving the House of Commons in a dilemma, he could not succeed more completely, than by persuading them to pass a resolution which, if passed, would have no effect whatever, but would be nearly a piece of waste paper. In former questions of a similar nature, it had always been proposed to proceed by Bill. But the hon. Member for Ashburton proposed by a resolution, to effect that which he despaired of effecting by Bill. Why should the House of Commons risk bringing their own resolution—he would not say into contempt—but why should they pass a resolution which must prove invalid and unavailing? The noble Lord had justly observed, that the inferences to be drawn from the reasoning of the hon. Member, led to much more serious and extensive consequences than the hon. Member himself seemed to be aware of. Not only, however, was that the case with the speech of the hon. Mover, every argument which had been used by the hon. Gentleman, who seconded the motion, went the length of showing the expediency, not merely of removing the Bishops from the House of Lords, but of abolishing the establishment. The hon. Gentleman said, that when Parliament repealed the Test and Corporation Acts, they established the principle, that no religious creed should have any advantage over any other. He (Sir R. Peel) had never heard such a principle maintained. The hon. Gentleman also contended, that the same thing took place on passing the Bill for the relief of the Roman Catholics. He (Sir R. Peel) had never heard so before; but he had heard the direct contrary. It would, indeed, be a great discouragement to any attempt to relieve any portion of the people from civil disabilities, if the House were to be told, "You must not stop here; you must carry your measure infinitely further, and stop only with the destruction of the National Church." Because the Test and Corporation Acts were repealed, because relief was granted to the Roman Catholics, was it thence to be inferred, that no one religious creed should have an advantage in this country over any other? It was evident, that if these hon. Gentlemen were to succeed in expelling the Bishops from the House of Lords, their next step would be, to propose that the Protestant clergy should no longer hold the exclusive possession of church temporalities. The hon. Member for Liverpool had mistaken, not only the argument, but the statements of the noble Lord. The noble Lord had never talked of any rapid changes on the part of Bishops, from Whig to Tory, or from Tory to Whig principles. The noble Lord had never talked of Bishops rewarding their patrons by mean political subserviency. What was the fact? That while human nature remained what human nature now was, and always had been, men possessed of patronage would, *ceteris paribus*, exercise that patronage in favour of those who agreed with them in opinion. And nothing could be more reasonable. Why, if his Majesty's present Government were to depart from that usage, and were *ceteris paribus*, to select political opponents for Bishops, would not the House hear the loudest reprobation of such a proceeding? Undoubtedly, the noble Lord stated, that during the long continuance of a Tory Government in power, the Bishops generally professed Tory principles. But did the noble Lord add, that that was out of servility to their patrons? Not at all. They were originally selected for advancement to the bench of Bishops, because they were supposed to hold certain political opinions. They did hold those opinions; and they continued to hold them. But it was said by the hon. Member for Middlesex, that after they had become Bishops, the hope of translation to more lucrative sees would tempt them to change their political opinions, and to maintain the principles of any new Government. Had his Majesty's present Government found that to be the case? The political opinions which they held, at the time of their original appointment, they still held and acted upon. The hope of translation had no effect upon them: there was not one of them who had voted that black was white. All, therefore, that their worst enemies could allege against them was, that they were consistent, bigoted politicians, who obstinately adhered to their own opinions. As to the separation of the civil from the religious duties of the clergy, he was convinced that it would be a measure highly injurious to the country. He did not wish to see the Church excluded from its fair share of political influence. If such an object were to be accomplished; if the clergy were compelled to confine themselves to the discharge of their ecclesiastical duties; if they were compelled to eschew all reference to, or interest in, temporal matters; if they were forbidden to participate in the feelings and wishes of their lay countrymen, he doubted, whether instead of the active, intelligent, enlightened, patriotic men, of whom the great body of the clergy of this kingdom was at present composed, we should not have a set of lazy, worthless, cloistered hypocrites. Into that question he would, however, not now enter. As to the plausible arguments which had been urged in favour of the destruction of a monarchical, and the establishment of a democratical, Government, he should be ashamed of himself if he condescended to say a single word in answer to them. He had risen only, because he did not wish it to be believed that he was capable of desiring to leave all the unpopularity of resisting the present motion on the shoulders of the noble Lord. Whether the declaration might be popular or unpopular he cared not; but he was prepared to give his most decided opposition to a proposition, the ultimate tendency of which would be to injure, if not to destroy, the civil and religious constitution of England.

Mr. *Lushington* expressed his conviction, that the great majority of the people of England were desirous of relieving the Bishops from their Parliamentary duties.

The House divided:—Ayes 92; Noes 197: Majority 105.

List of the AYES.

Aglionby, H. A.
Bainbridge, E. T.
Baines, Edward
Baldwin, Dr.
Beauclerk, Major
Bewes, T.
Bish, Thomas
Blake, M. J.
Bodkin, J.
Bowes, John
Bowring, Dr.
Brabazon, Sir W.
Brady, D. C.
Bridgman, Hewitt
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Buckingham, J. S.

Buller, Charles
Butler, hon. P.
Callaghan, D.
Chalmers, P.
Chichester, J. P. B.
Clay, W.
Collier, J.
Conyngham, Lord A.
Duncombe, T.
Dundas, hon. J. C.
Dundas, J. D.
Elphinstone, H.
Evans, G.
Ewart, W.
Finn, W. F.
Fitzsimon, C.
Fitzsimon, N.
Gillon, W. D.
Grote, George
Gully, John
Hall, B.
Harvey, D. W.
Hastie, A.
Hector, C. J.
Hindley, C.
Hume, J.
Humphrey, J.
Hutt, Wm.
James, W.
Leader, J. T.
Lister, Ellis Cunliffe
Mactaggart, J.
Maher, J.
Marjoribanks, S.
Marsland, H.
Molesworth, Sir W.
Musgrave, Sir R. Bt.
Nagle, Sir R.
O'Brien, C.
O'Connell, D.
O'Connell, M. J.
O'Connell, Morgan
Oliphant, Lawrence
Palmer, Gen.
Parrott, J.
Pattison, J.
Philips, Mark
Pinney, W.
Potter, R.
Power, James
Pryme, George
Rippon, C.
Roche, William
Roche, D.
Rundle, J.
Russell, Lord J.
Ruthven, E.
Scholefield, Johua
Stuart, V.
Tancred, H. W.
Thompson, Colonel
Thornley, Thomas
Tulk, C. A.
Verney, Sir H., Bart.
Villiers, Charles P.
Walker, C. A.
Wallace, Robert
Warburton, H.
Wason, R.
Westenra, hon. C. J.
Whalley, Sir S.
White, Samuel
Wilks, John
Williams, W.

TELLERS.
Lushington, Charles
Hawes, B.

List of the NOES.

Agnew, Sir A., Bart.
Alston, R.
Angerstein, John
Arbuthnot, hon. H.
Ashley, Lord
Attwood, M.
Bailey, J.
Barclay, David
Barclay, Charles
Baring, W. B.
Baring, T.
Barnard, E. G.
Beckett, Sir J.
Bell, Matthew
Bentinck, Lord G.
Bethell, Richard
Bolling, Wm.
Borthwick, Peter
Bowles, G. R.
Bramston, T. W.
Brownrigg, S.
Bruce, C. L. C.
Buller, E.
Buller, Sir J. B. Yarde
Bulwer, H. L.
Byng, G. S.
Campbell, Sir H.
Canning, hon. C. J.
Canning, Sir S.
Castlereagh, Visc.
Cayley, Edward S.
Chandos, Marq. of
Chaplin, Col.
Chapman, Aaron
Chisholm, A.
Clive, Viscount
Clive, hon. R. H.
Colborne, N. W. R.
Cole, hon. A. H.
Compton, H. C.
Conolly, E. M.
Coote, Sir C. C., Bart.
Copeland, W. T.
Corry, rt. hon. H. T. L.
Crawley, S.
Crewe, Sir G. Bart.
Curteis, E. B.
Dalbiac, Sir C.
Davenport, John
Dick, Q.
Duffield, Thomas
Dugdale, W. S.
Eaton, Richard J.
Elley, Sir J.
Fazakerley, John N.
Fector, John Minet
Finch, George
Fleetwood, Peter H.
Folkes, Sir W.
Forster, C. S.
Fort, John
Freemantle, Sir T. W.
Gaskell, J. Milnes
Gladstone, W. E.
Gordon, hon. W.
Goring, H. D.
Graham, Sir J. R.
Grant, hon. Colonel
Greene, T.
Grimston, Viscount
Grimston, hon. E. H.
Halford, H.
Halse, James
Hamilton, G. A.
Hamilton, Lord C.
Harcourt, G. G.
Hardy, J.
Harland, W. Charles
Hayes, Sir E. S., Bt.
Heathcote, G. J.
Henniker, Lord
Hinde, J. H.
Hobhouse, Sir J. C.
Hogg, James Weir
Holland, Edward
Hope, Henry T.
Hotham, Lord
Houstoun, G.
Howard, R.
Howard, P. H.
Howick, Viscount
Hoy, J. B.
Hughes, Hughes
Hurst, R. H.
Jackson, Sergeant
Jervis, John
Ingham, R.
Inglis, Sir R. H., Bt.
Johnstone, Sir J. V. B.
Jones, Wilson
Jones, T.
Irton, Samuel
Kerrison, Sir Edward
Knight, H. G.
Knightley, Sir C.
Law, hon. C. E.
Lawson, Andrew
Lees, J. F.
Lefevre, Charles S.
Lefroy, Thomas
Lennox, Lord G.
Lennox, Lord A.
Lewis, David
Leveson, Lord
Long, Walter
Longfield, R.
Lowther, J.
Lygon, hon. Gen.
Maclean, D.
M'Leod, R.
Mahon, Viscount
Martin, J.
Maule, hon. F.
Maunsell, T. P.
Maxwell, H.
Meynell, Capt.
Miles, William
Miles, Philip J.
Mordaunt, Sir J., Bt.
Morpeth, Viscount
Mosley, Sir O., Bt.
Mostyn, hon. E. L.
Neeld, John
Norreys, Lord
North, Frederick
O'Brien, W. S.
Owen, Hugh
Palmer, Robert
Parker, John
Parry, Sir L. P.
Patten, John Wilson
Peel, Sir R.
Perceval, Colonel
Philips, G. R.
Pigot, Robert
Plumptre, John P.
Pollock, Sir Fred.
Poulter, J. S.
Price, Sir R.
Pringle, A.
Reid, Sir J. R.
Rice, right hon. T. S.
Richards, J.
Richards, R.
Rickford, W.
Rushbrooke, Colonel
Russell, Lord J.
Sandon, Viscount
Scarlett, hon. R.
Scott, Sir E. D.
Scourfield, W. H.
Seymour, Lord
Shaw, rt. hon. F.
Shirley, E. J.
Sibthorp, Colonel
Smith, J. A.
Stanley, Lord
Stewart, John
Stormont, Viscount
Stuart, Lord D.
Stuart, Lord J.
Sturt, Henry Chas.
Talfourd, Sergeant
Tennent, J. E.
Thomson, C. P.
Townley, R. G.
Trench, Sir Fred.
Trevor, hon. A.
Trevor, hon. G.
Twiss, H.
Tynte, C. J. Kemeys
Vere, Sir C. B., Bart.
Vesey, hon. T.
Vivian, J. H.
Vivian, John Ennis
Wall, C. B.

Walter, John
West, J. B.
Weyland, Major
Wilde, Sergeant
Williams, Robt.
Winnington, H. J.
Wodehouse, E.
Wood, Colonel
Worsley, Lord
Wynn, rt. hon. C. W.
Young, J.

TELLERS.

Baring, Francis
Dalmeny, Lord

HOUSE OF LORDS,

Friday, February 17, 1837.

MINUTES.] Bills. Read a second time:—Grand Juries' (Ireland).

Petitions presented. By Lords HATHERTON, BROUGHAM, SUFFIELD, and DUNCANNON, from various places, for the Abolition of Church Rates.—By the Earl of CLARE, from the Surgeons, Limerick, for the Amendment of Grand Juries' Act (Ireland).

REGISTRATION AND MARRIAGE ACTS.] On the motion of Viscount Melbourne, the House went into Committee on the Registration and Marriages Acts Suspension Bill.

Lord *Ellenborough* said, their Lordships' attention had been drawn by the noble and learned Lord (Brougham) to the fact, that as this Bill now stood, no parties could be married by bans before the 30th of June, though they could by licence at any time. He was of opinion, that there was too much legislation in the Bill, and he conceived that the best way to get rid of the difficulty pointed out, would be to strike out the words "1st day of March," and let proceedings take place as if the words "30th day of June" had originally stood in the bills passed last Session.

Lord *Brougham* said, that in some instances, it was necessary that the 1st of March should remain.

Lord *Ellenborough* said, that was provided for by the latter part of the clause.

Amendment agreed to. The House resumed. Report to be received.

HOUSE OF COMMONS,

Friday, February 17, 1837.

MINUTES.] Petitions presented. By Mr. HAWES and other Hon. MEMBERS, from various places, for the Abolition of Church Rates.—By several Hon. MEMBERS, from various places, for Municipal Corporations (Ireland).—By Mr. NICHOLAS FITZSIMON and other Hon. MEMBERS, from Kilcoman and other places, for Abolition of Tithes (Ireland).—By Mr. LAW HODGES, from Canterbury, Hythe, and other places, for the Amendment of Law relating to Innkeepers.—By Mr. AGLIONBY, from Nantwich, for Revision of the Criminal Law.—By Mr. FOX MAULE, from Blairgowrie, for Small Debts (Scotland) Bill.—By ADMIRAL ADAM, from Dollar and Logie, against the practice of Registering Fictitious Votes (Scotland).

MUNICIPAL CORPORATIONS (IRELAND)—SECOND READING.] On the Order of the Day for the Second Reading of the Municipal Corporations (Ireland) Bill being read,

Mr. *H. Grattan* wished to ask the noble Lord, the Secretary for Ireland, whether he had received any official account of the disturbances that had lately taken place in the north of Ireland, which according to accounts contained in private letters, were of a very exaggerated character? He did not know, whether the assault was the result of the meeting at the Mansion-house; but it was stated, that the Orangemen had waylaid the Catholics who were returning from a fair, and that upwards of fifty of the latter were dead or wounded.

Lord *Morpeth* had not received any authentic information on the subject.

Colonel *Perceval* wished the noble Lord would be good enough to state, whether it had come to his knowledge that this attack had been committed by Orangemen. For his part, he was not aware that any such description of persons existed in Ireland.

Lord *Morpeth* possessed no authentic information on the subject; and, therefore, it was out of his power to answer the question put to him by the hon. and gallant Officer.

Mr. *Shaw*, with reference to the motion before the House, observed, that on a comparison of the schedules of this Bill and that which was presented to the House last year, he found six towns omitted in the schedule of this Bill which were inserted in the schedule of the last year's Bill. He wished to ask the noble Lord on what principle these towns were now omitted?

Lord *John Russell*, in reply, said, that he had omitted these towns on account of their small population.

Mr. *Shaw* was understood to remark, that more than one of them had a population of 10,000 persons.

Lord *John Russell* admitted that such was, perhaps, the fact, but none of those towns had enjoyed the advantages of a Municipal Corporation before. If the right hon. Gentleman could show him that any of these large towns with 10,000 inhabitants had had Municipal Corporations, he would restore their names in the schedule.

Bill read a second time.

COLONIAL BANKS.] Sir *Robert Peel* begged to ask the right hon. President of the Board of Trade, whether any proceedings had been taken by the Government with respect to chartering banks in our East and West Indian Colonial possessions?

Mr. *Poulett Thomson* said, that with regard to the West Indies, a charter had been given by the Crown last summer to enable a company to establish a bank in the West Indies, not conferring any exclusive privileges, but merely giving them the power to bank so far as this company was concerned. That bank was, he believed, now in operation. An application had also been made in the course of last summer for a charter for a bank to be established in the East Indies. He had communicated the views of the applicants to his right hon. Friend, the President of the Board of Control. His right hon. Friend considered it desirable, before the Government came to a decision on the subject, that a communication should be made to the local government, and till an answer was returned to that communication, no further steps would be taken by the Government.

Sir *Robert Peel* wished to ask the right hon. Gentleman whether an opportunity would be afforded to those who were connected with the outports of representing to the Government their opinions on this question?

Mr. *Poulett Thomson* promised that they should have the fullest opportunity of stating their sentiments, and that he would give them every consideration.

BEETROOT SUGAR.] An hon. *Member* wished to learn from the right hon. Gentleman at the head of the Board of Trade, whether it were true that any obstruction had been thrown in the way of manufacturing sugar from beetroot by the Government.

Mr. *Poulett Thomson* said, that it had been reported to him some time ago, that preparations were making in this country for the manufacture, on an extensive scale, of sugar from beetroot. He at once called the attention of the Boards of Excise and Customs to the circumstance, stating, at the same time, that the Government would introduce a Bill on the subject in the course of this Session, not for the purpose of checking the manufacture, but to prevent its being carried on without paying any duty at all, while other sugar was burthened with a duty of 24*s*. A Bill of that nature was now under the consideration of Government, and would be introduced as soon as possible.

RECORDERS' COURTS.] Mr. *J. S. Wortley*, in moving that this Bill be committed, stated that he had prepared a clause in conformity with a suggestion thrown out by the noble Lord, namely, that a Deputy Recorder should not be appointed in any borough unless the town council determined that such office was necessary. It was stated on a former occasion that this Bill would be attended with an additional expense to the boroughs in which Deputy Recorders were appointed. Now, there were returns on the table which showed how the system had worked in Leeds and other places, and proved that so far from its increasing the expense, that it had led to a great saving. It had been argued that the appointment of the deputy ought not to rest with the Recorder; but from all the consideration he had been able to give to the subject, he was satisfied that that was the best arrangement that could be made. It would be highly objectionable to leave the appointment of a judicial officer to the town-council of a borough.

Mr. *Leader* would ask the Attorney-General, whether he was right in stating, that by the Bill the Recorder might appoint a deputy, if the town-council wished for one? Now, if so, he wished to know whether the council was to have any voice in the appointment, either by a veto or otherwise, or whether it was to rest solely with the Recorder.

The *Attorney-General* said, that the council were to have no veto on the appointment. They were to determine whether a second court was necessary or not, but the nomination was to be in the Recorder.

Mr. *O'Connell* suggested, that the appointment of the Deputy Recorder should be in the same hands as that of the Recorder.

Sir *J. Beckett* was of opinion that the responsibility of the appointment ought to rest with the Recorder, and not with the Government or the council.

Mr. *Harvey* thought that the Crown should have a veto on the appointment of the Deputy Recorder. He objected, however to the appointment of Deputy Recorders at all, as he considered that it would be fatal to the independence of the bar.

Mr. *Roebuck* begged the House to recollect that the Recorder was responsible for his own acts, but he could not be so for those of his deputy. The object of the Bill, as he understood it, was to state the period during which the court was to sit. Now, he would suggest a remedy for this, instead of adopting that proposed in the Bill, namely, that the Recorder should be compelled to hold his court oftener than he did at present.

The *Attorney-General* said, that although he had not introduced the Bill, which had been brought in by the hon. Member for Halifax, he had no objection to state that he approved of the provision. It had only lately come to his knowledge that great inconveniences had arisen in consequence of the quantity of business in the Recorder's court. Before the Municipal Reform Bill, there were two courts sitting at quarter sessions, but since the passing of that measure only one court could be held. This had given occasion to protracted sittings, and had proved very burdensome to the jury, and expensive to the witnesses summoned. The person to be appointed would not be a Deputy Recorder, but the Recorder's assistant, because he would hold his court conveniently, and he would act only *pro hac vice;* so that if he were found not to give satisfaction, the Recorder might, at the time he held his next court, appoint another.

House went into Committee.

On the 10th Clause,

Mr. *C. Buller* rose to move an amendment to the effect that the sessions should in future be held once a-month.

Mr. *Baines* contended, that the gentlemen of the bar could not attend if the sessions were held once a-month, and that the business would in consequence be performed in an incompetent manner. The Bill of the hon. Member met all difficulties, and the Members of the legal profession were anxious that it should be adopted. The opinion of the profession ought to have weight with the House, and they should, he thought, be guided by that opinion rather than by the theoretical opinions of non-professional Members of that House. The measure now brought forward by the hon. Member for Halifax had satisfied all demands, and satisfied them, too, without adding a single farthing of expense to the system at present in operation. The whole profession, as far as he (Mr. Baines) could learn, felt under great obligation to the hon. Member for bringing forward the Bill.

Mr. *Roebuck* contended, that there were other persons deserving of the consideration of the House as well as the barristers —viz., the prisoners. Those unfortunate individuals and their relatives had strong claims upon their attention; and the House would best consult the interests and happiness of those persons by consenting that the sessions should in future sit once a-month, instead of once every three months, as at present. Such views were not theoretical. He wished that all should have full and fair justice administered to them; but the oftener the courts sat the better; for in that way alone could the anxiety of the prisoners and their relatives be terminated, and the guiltless be freed from unmerited confinement. Why, he would ask, should not the Recorder sit once a-month? The hon. Member for Leeds said, that in such a case, they would require more pay. That was a haberdashery sort of reason, and not entitled to have any weight. The condition of the prisoners was the point to be considered, and to have the sessions once a-month, would, by freeing those persons from confinement, be the means of saving expense.

Mr. *Aglionby* thought, that prisoners should not remain in confinement for three, two, or even for one month, if they could be brought to trial sooner. Why should not the Recorder sit whenever there was a prisoner to try? The answer was, that it would be impossible to procure a respectable Barrister for 150*l.* or 200*l.* a-year to discharge the duty which would require to be performed were such a plan adopted. It seemed impossible, with the present machinery, to have the Recorder sitting so often as had been proposed; and the question was, whether they should alter that machinery altogether? Was the hon. Member for Bath willing to do that? If he was not, it would be impossible to have the Recorder sitting once a-month. He differed on another point with the hon. Gentleman, as he was of opinion that the presence of the barristers was highly beneficial. From his own experience he could say, that the attendance of the London bar at the quarter sessions had contributed much to inspire the people with confidence, and had been of great advantage to the proper administration of justice. In his own county, the county of Cumberland, the attendance of the London bar had been productive of the very best effects; and as the proposal of the hon. Member for Bath would render that attendance impossible, he could not consent to its adoption.

Mr. *Harvey*, in order that the House might have an opportunity of reconsidering the subject, thought that the Bill should be sent to a Select Committee. In a desultory conversation it was impossible that its provisions could be properly considered. It was proposed to pay the Deputy Recorder ten guineas a day. He (Mr. Harvey) objected to such a mode of paying a judge, as it held out a strong inducement to protract the sittings. Another point was the mode of appointing the assistant-recorders. It was true they were not to be appointed without the sanction of the town-councils, but the clause relating to their appointment was vague, and it did not appear whether they were to be elected once a-year or not; or what was to be the proper proceeding should the first intimation made to the council be unattended to. He was of opinion that the temptation of deputy-recorderships would fill the quarter sessions with a race of stripling barristers, and thus exclude the attornies who had hitherto been of so much use. In a neighbouring county, he could inform the House, two juvenile members of the profession had presented themselves at the sessions, and insisted on clearing the court of the attornies; and those individuals, who had long practised before the court were obliged to give way. Those two barristers made the bar; one taking one side, and the other the opposite, in all cases which were to be decided. But the House could not do justice to such Bills as the present in a desultory conversation. In order, therefore, to give the House an opportunity for reflection, he moved that the Bill be sent to a Committee up stairs. This motion it was suggested could only be made in the House, not in the Committee.

The House resumed and the Chairman reported progress.

Mr. *Harvey* moved, that the Bill be sent up stairs to a Committee.

Motion withdrawn. Bill, with amendments, to be printed, and taken into further consideration.

MUNICIPAL CORPORATIONS ACT AMENDMENT).] The *Attorney General* in moving the Order of the Day for bringing up the report of the Municipal Corporations Amendment Bill, said, that he had done every thing to meet the views of his hon. and learned Friend opposite. One alteration, he had made related to the expenditure of the town-councils. The 92d clause of the Act specified certain purposes to which borough funds might be applied. To provide that the expenditure for other purposes than those specified should not be made an abuse, he had prepared a clause by which every money-order issued from the common council, for any purpose not specified in the Act, should be lodged with the clerk of the peace for three weeks, and be subjected to the opinion of the recorder of the place, or other corresponding functionary, and if disallowed by him, should be declared null and void.

Mr. *Marjoribanks* rose to complain of a want of courtesy on the part of the hon. Member for Kent in bringing forward a petition reflecting upon his (Mr. Marjoribanks's) constituents without giving any notice of his intention to present that petition. The petition to which he referred purported to be from certain burgesses of Hythe, in Kent, and was presented by the right hon. Baronet, the Member for East Kent on Wednesday last. That petition was got up at a hole-and corner meeting, and the statements it contained were gross exaggerations of the facts of the case. What he complained of was, that the usual notice had not been given him by the right hon. Baronet; and although they had met on the Monday previous to the presentation of the petition, yet the hon. Member for East Kent had not informed him (Mr. Marjoribanks) of his intentions. He had thus been denied an opportunity of stating to the House the real merits of the case.

Sir *E. Knatchbull* begged leave to explain. The charge against him was of want of courtesy He did not think the complaint was well founded, for he was always most anxious to consult the feelings of every Member of the House and certainly in the present instance no offence was intended. The hon. Gentleman had said, that they had met on the Monday previous to the presentation of the petition from Hythe. On that day however he had been confined to the House. [Mr. *Marjoribanks*, it was perhaps Tuesday.] He had answered a specific charge; but as the hon. Gentleman had shifted his ground, he hardly knew how to deal with the complaint which had been brought against him. He admitted, that when one hon. Member had a charge to bring against another, it was usual to give him notice of it. But he (Sir E. Knatchbull) had no charge to bring against the hon. Member. "But," said the hon. Member, "you brought a charge against my constituents, and you ought to have given me notice thereof." Now, he contended that no such duty was imposed upon him either by the law or the usage of Parliament. What he had done was this,—he had given notice to the House that he would present a certain petition complaining of the misconduct of the Mayor of Hythe, and he thought that that was a sufficient notice to the hon. Member that he intended to present such a petition. The next day the hon. Member had met him in the House and with a degree of warmth which he himself was not in the habit of exhibiting, reproached him with not having given the hon. Member the ordinary notice. He told the hon. Member that notice of his intention was inserted in the papers of the House; to which the hon. Member replied, that he had left his house at ten o'clock and that those papers had not then arrived. He thought that he had now said sufficient to convince the hon. Member that he had not been guilty of any want of courtesy towards him. If he had he begged to state that it had been unintentionally. He would now ask the hon. Member for Hythe whether he was in the House during the discussion on the petition? [Mr. *S. Marjoribanks:* He was not.] That was just the answer which he anticipated. He admitted that the petition contained a serious charge against the Mayor of Hythe, but he had not presented it with a view of instituting a charge against any person, but with the view of obtaining such an alteration in the law as would prevent the Mayor of Hythe or the mayor of any other place from acting in a similar way in future. He had said that there were other allegations in the petition, which showed the animus of the parties; but he had refrained from noticing those allegations, because he did not wish to cover those parties with obloquy. These were the facts of the case, and he would now leave the House to judge, whether he had acted wrongly or unkindly to any of the parties concerned. The hon. Member for Hythe had spoken of the meeting at which this petition was got up, and had said that our party was very skilful in the practice of getting up hole-and-corner meetings. Now the hon. Member had made that assertion very boldly, and he would meet it as boldly with a counter-assertion. That petition was not got up at a hole-and-corner meeting. Any opposition which he had given to the Bill was given with the intention of amending it, and the clause which the Attorney-General had brought up that evening exactly met his view of the case. He hoped that the Attorney-General would let the Bill, as amended, be printed, in order that the House might have an opportunity of seeing it in a corrected form before it left the House.

Sir *William Follett* asked whether the Attorney-General intended to have these clauses printed before the Bill was read a third time. If he understood correctly the clause which his learned Friend had now introduced for the better control of the municipal funds, it was calculated to increase the very evil which it was professedly intended to check. Oh! then he did not understand the clause which his learned Friend had introduced, and that was a sufficient reason for having it printed for further consideration.

The report brought up, and taken into consideration.

Mr. *Scarlett* begged leave to bring up a clause for the better regulating the election of aldermen. The present mode of electing aldermen was in violation of the principle of the Bill, which, as he understood it, was intended to place corporations under popular control and superintendence. At present the aldermen were elected by a majority of the council. He proposed that they should in future be elected by the burgesses at large. The result of the present mode of electing aldermen was, that the minority in the corporations had no representatives at all among the aldermen. This gave both parties an interest in carrying the election of a majority of their own party as councillors; and it often happened that those who were rejected as councillors, were elected as aldermen by their party in the council, to give it additional strength and influence. To cure this, he would give to the burgesses, instead of to the council, the power of electing the aldermen.

The hon. Member brought up his clause.

The *Attorney-General* could not say that the plan of allowing the aldermen to be elected by the burgesses at large was not a good one. It would, however, be a fundamental change in the constitution of these corporations. The clause which his hon. Friend wished to alter, was a clause framed elsewhere, no doubt with the same wisdom which pervaded all its legislation. It was connected with many other clauses, and any alteration in it would dislocate the Bill exceedingly. He thought that his hon. Friend had better bring in a Bill to amend the state of the law affecting corporations, and to cure the defects which had been introduced into it by amendments made elsewhere. At present, according to the clause framed elsewhere, the aldermen were elected by the council. This Bill introduced no organic change into the original Bill, and he therefore must object to the reception of the present clause.

The House divided on the clause:—Ayes 34; Noes 93: Majority 59.

Mr. *Scarlett* rose to move another clause, the object of which was to give to every corporate town two sheriffs, as in London and Dublin. The circumstance of there being but one executive officer was calculated to create distrust and excite political and party feeling. It was perfectly natural that men should feel, or at least suspect, that juries were not impartially chosen when there was but one sheriff. To the case of elections, the same objection applied with equal force. The clause which he then submitted to the House, would neither interfere with the duties of sheriff, the mode of election, nor the persons by whom elected, but merely alter the number of those officers in towns corporate, electing them as the aldermen were elected.

The *Attorney-General* would oppose the clause. He felt some hesitation as to the election of aldermen, but he should decidedly object to the application of the same principle to the choice of sheriffs. He conceived that the Bill would not be improved by the introduction of this clause. There appeared to be no reason whatever why two sheriffs should be appointed. Why not have three or five, that there might in case of differences of opinion be a casting voice? If there were to be two sheriffs, why not two mayors, and carry the dual number throughout the whole corporation.

Mr. *Scarlett* knew of no case where the circumstance of the office of sheriff being executed by two persons occasioned doubt or delay. The duty of sheriff was merely ministerial, and he therefore thought that the clause he proposed might be advantageously adopted; but as his hon. and learned Friend did not concur with him, he should not press the question to a division.

Mr. *Finch* proposed the insertion of the following clauses, declaring,

> "That nothing in the Municipal recited Act contained, shall prevent the levying and collecting of any rate by the town-council in any such borough or place in the said recited Act mentioned, for the purpose of paying any debt chargeable upon the rates of any borough or place contracted before the passing of this Act or the said recited Act, or the interest of any such debt, &c."

He had been induced to propose these clauses to prevent the hardship to individuals which otherwise might occur. To show that such a provision was called for, he had only to mention a case that had recently occurred at St. Alban's. Before the passing of the Municipal Corporations Act, the liberty and borough of the town of St. Alban's were authorized conjointly to raise money on the security of the rates for certain local purposes. A rev. gentleman, on the faith of the law as it then stood, lent a sum of money to the corporation to build a court-house; and since the passing of the Municipal Corporations Act a question had arisen as to whether the interest should be paid by the liberty or the borough? The effect of the doubt was to deprive the party of his interest; and unless the Legislature interposed to protect him by an enactment of this kind, a great injustice would be inflicted upon him, as it was by no means certain that the Court of King's Bench, or any other legal tribunal, could afford him relief. Under such considerations he trusted that the hon. and learned Gentleman would not oppose the motion.

The *Attorney-General* was very sorry that he could not comply with the hon. Gentleman's request. The clause was unnecessary, and, therefore, he must oppose it. It was a mistake to suppose that the rev. gentleman alluded to, would not get his money. The law as it stood would afford him all the remedy that he was entitled to have, and as to which party, whether the borough or the liberty, was liable to the payment of the interst, that was a matter for the decision of the Court of King's Bench, and not for that House.

Mr. *Finch* regretted that the hon. and learned Gentleman should think this was not a case for the interposition of the House. The hon. and learned Gentleman had expressed it as his opinion, that the party who lent the money had a remedy in the Court of King's Bench, but although that might be his opinion, and he knew that the Attorney and Solicitor-General were usually considered, no doubt properly so, the giants—the Gog and Magog—of the Bar—still it so happened, that in this very case, a different opinion had been given by another lawyer who had been consulted upon it.

The *Solicitor-General* said, that as it was impossible for the House to determine the judicial point which had arisen in the case referred to, it would be most improper to introduce such clauses as these into the Bill. He must, therefore, give it his opposition.

Mr. *Goulburn* thought, that the case had not been fully stated to the House. The fact was, that if the Municipal Corporation Bill had not passed, such an injury as was now complained of, never would have arisen. The party advanced his money on the faith of an Act of Parliament, which empowered the Corporation to pledge the rates. He lent his money to build a court-house, and although he had got a mortgage on the rates, it turned out that, owing to a difficulty which had arisen out of the new law, he had been deprived of that interest to which he was strictly entitled. This was not just, and whatever might be the opinion of the hon. and learned Gentleman opposite, to use the words of his hon. Friend, "the Gog and Magog of the bar," he must deny that it was consistent with justice to leave the individual alluded to, the expensive remedy of a suit in the Court of King's Bench, when the evil might be remedied by a provision such as his hon. Friend had proposed. They should not forget that the whole of the difficulty was of their own creating.

The *Attorney-General*, thought that in such a case, that House ought not to interfere. The question as to the liability of the liberty or the borough, was one which a legal tribunal alone could decide.

Mr. *Goulburn* repeated that, as the injustice had arisen out of the Municipal Corporations Bill, they were bound to remedy it.

Mr. *A. Trevor* said, that if the course taken by the hon. and learned Gentlemen opposite, the law officers of the Crown, were justice, all he could say was, that justice was but an empty name. Equity and justice would suggest a very different cause.

Mr. *O'Connell* did not think that House could decide such a question.

Sir *T. Fremantle* said, that all they required was, that just debts should be paid; that the saddle should be put on the right horse.

Mr. *Jervis* said, that until they were in the position to say on which party the burthen ought to fall, it would be absurd to legislate on the subject.

Mr. *Finch* said, it was admitted on all hands that injustice had been done. That injustice had grown out of their own Act of Parliament; and although the hon. and learned Gentleman opposite declared that the King's Bench could apply a remedy, another professional man had stated that the only way in which the evil could be rectified, would be by a short Act of Parliament, the expense of which he said the Government ought to bear, inasmuch as it was occasioned by "their own stupid blundering." Now, had an application been made to Lord Melbourne, or any other of his Majesty's Ministers, to bring in an Act of Parliament on the subject, was it likely that it would be attended with success? He thought not; but, at all events, he was satisfied that the hon. and learned Member for Kilkenny was so much engaged with his own deep speculations, as to be unable to see the matter in its true light.

Motion negatived.

Mr. *Hodgson Hind* moved the insertion of a clause in these words:—"And be it further enacted, that all hospitals for the maintenance of aged and decayed freemen, their widows, or daughters, which have heretofore been supported out of the corporate funds of any city or town, shall continue to be supported out of such corporate funds; and that so often as any vacancy shall occur in any such hospital, the same shall be filled up within three calendar months, by the mayor, alderman, and council, of the city or town in which such hospital is situated. Provided always, that no part of the expense of such hospital shall be defrayed out of any borough rate, or out of the produce of any tolls."

The *Attorney-General* said, that as the sense of the House had been so fully taken upon this clause already, he felt himself bound to oppose the motion, that it be brought up. On a former occasion a majority of nearly two to one had decided against the clause. As the law at present stood, the Corporations were empowered to apply the surplus of their funds to the general benefit and use of the inhabitants. Unless the hon. Member meant to make the clause compulsory it would be useless, as the Corporations had now the power to make such a provision if they chose to do so; and to make the clause compulsory would be an injustice, inasmuch as it would compel the application of funds intended for the general use of the inhabitants, to the benefit of a particular class.

Mr. *H. Hind* contended, that in equity these parties were entitled to the benefit which he sought to obtain for them. Those institutions had heretofore been maintained out of the funds of the Corporations, and he sought to obtain for those individuals a continuance of those advantages which they had heretofore enjoyed.

Mr. *Burdon* said, that so far as the Corporation of Newcastle was concerned, it was at present in a state little short of bankruptcy, and it was not likely that it had money to devote to this purpose. If the hon. Member had framed a clause so as to include decayed men, &c., instead of confining the relief to a particular class, he would have supported it.

Mr. *Robinson* considered the clause would be nugatory, unless it was made compulsory upon the town-council, so to apply a portion of the funds of the Corporation. He thought if relief of this kind were to be provided, it should not be for a particular class, but for the poor of the borough generally. He felt bound to oppose the clause.

Mr. *A. Trevor* trusted his hon. Friend would take the sense of the House on the clause. He was not surprised that justice and equity should be denied the freemen. He had no hesitation to say that in the language adopted by the hon. Gentlemen opposite, justice and equity were out of the question.

Report received, and Bill to be read a third time.

JUDGES' OPINIONS.] Sir *Eardley Wilmot* moved the second reading of the Judges' Opinions Bill, and stated that, in former times, and until recently, when any difficulty arose in any cases tried at quarter sessions, by persons holding the commission of the peace, such difficulty was not to be decided unless in the presence of a Judge of Assize. At present it was the practice, if the friends of a prisoner convicted at quarter sessions, or before a recorder, thought that the conviction was illegal, to forward a memorial to the Home Secretary, who generally referred the case to the opinions of the law officers of the Crown. He objected that the officers of the Crown should be the justicial referees, and he preferred returning to the ancient practice. He proposed in the present Bill that if in the case of any prisoner tried at quarter sessions, a difficulty arose upon any point of law the opinion of the going Judge of Assize should be taken thereupon. He proposed that, in the meantime, the prisoner should be respited. If the Judge decided that the conviction was legal the sentence should be carried into execution; if, on the contrary, the conviction was held to be illegal the prisoner should then be discharged. He moved that the Bill be read a second time.

The *Solicitor-General* felt that the country was greatly indebted to the hon. Baronet for bringing forward his measure, which was calculated to put an end to a most objectionable anomaly.

Bill read a second time.

FICTITIOUS VOTERS (SCOTLAND) COMMITTEE.] Mr. Horsman moved that the hon. Member for Roscommon (Mr. D. O'Connor) be discharged from his attendance on this Committee, and that Mr. Divett be substituted in his stead.

Mr. *Cumming Bruce* objected to the motion. It was most important, in order to render the result of this inquiry useful and satisfactory, that the Committee should be free from all imputations of party motives, and have the character of perfect impartiality. He did not think at the time that this Committee was proposed that it was calculated to effect the object it proposed to accomplish. However, seeing that both sides of the House were unanimous on the subject, he gave way. He thought, however, that the plan on which the hon. Member intended to proceed was sufficiently indicated when, at the commencement, he at one fell swoop excluded no less than six Scotch Members of counties, and subsequently two other Scotch Members, from the Committee, on the ground that, as the inquiry would refer particularly to their constituencies, they were not eligible to be placed on this Committee. He protested against this unusual course of disqualifying Members, which in cases where party influence was involved in the issue might be carried to a dangerous extent. He had no objection that the hon. Member for Roscommon, whose impartiality was beyond suspicion, should be discharged from his labours, as he understood that he had urgent reasons for going to Ireland, but he objected to the proposed substitution of the hon. Member for Exeter. He had had a very old acquaintance with that hon. Member, and personally he entertained for him much regard, but he certainly objected to having him placed on this Committee. He perceived that the hon. Member had, a few days ago, been discharged from his attendance on the Committee on private Bills. Unless there was a particular motive in substituting the hon. Member for Exeter he did not know why such anxiety should exist on the part of those at the other side of the House. Now he had reason to know that Mr. Patrick Stewart, the hon. Member for Lancaster, and Lord Robert Grosvenor had stated that they had no objection to serve on this Committee. He had not any objection to the appointment of either of those hon. Members, but he certainly thought that there must be some motive for the eagerness to place the hon. Member for Exeter on this Committee. That hon. Member had, on a recent occasion, shown little capacity to separate the innocent from the guilty, as he had voted for the punishment of a large number of admittedly innocent and incorrupt voters because certain other electors of the borough to which they belonged had been proved guilty of bribery and corruption. From all these considerations, and feeling the importance that the Committee should possess an undoubted character for impartiality, he should oppose the motion.

Mr. *Warburton* wished to call the attention of the House to the principle on which the Committee had been appointed. It was composed of an equal number of Members from both sides of the House, with an intermixture of others of moderate politics. One of the Members who had been placed on the Committee, the hon. Member for Roscommon, was obliged to go to Ireland, in consequence of a family affliction, and was not likely soon to return. The Committee was to sit on Tuesday next, and it was proposed to substitute in his place a Member of equally pronounced politics, in order to keep the balance of the Committee equal. There was nothing in that proposal which could be called unfair. And to take an hon. Member from one Committee to serve on another was nothing unusual.

Mr. *Maclean* said, that the Committee was of a peculiar character, being, as he considered it similar to an Election Committee. For his own part he saw no occasion whatever for it. The votes on which it was to make inquiries had been already decided on by the Courts of Registration, and there was no necessity to go over them again. Great care ought to be taken in meddling with the Committee, after its having been once appointed, and he thought it singular to remove an hon. Member from one Committee to place him on another.

Mr. *F. Maule* was of opinion that to substitute the hon. Member for Exeter for the hon. Member for Roscommon was quite reasonable.

Mr. *George F. Young* begged leave to observe, that the hon. Member for Roscommon was a man of moderate politics, and that, constituted as the Committee was, they were bound to substitute some Gentleman whose opinions were of at least as moderate a nature, in order that the House and the public might have confidence in the result of the inquiry. He believed the hon. Member for Lancaster (Mr. P. M. Stewart), who was in every respect fitted to assist in that inquiry, would have no objection to be named on the Committee in the place of the hon. Member for Roscommon, and he would move as an amendment that his name be substituted therefore.

Mr. *R. Steuart* supported the original motion, and defended the original constitution of the Committee, a list of the members of which he had previously shown to the hon. Member for Edinburghshire,

Sir *T. Fremantle* said, that when a noble Lord, a Member of the Committee, and of that side of the House, was likely to have been obliged to absent himself, they had determined not to propose the substitution of any other hon. Member, but, although a different course was thought necessary on the present occasion by hon. Members opposite, he did not expect that they would have brought forward any motion to alter the constitution of the Committee. There were many hon. Gentlemen present perfectly conversant with the subject of inquiry, and to whom there could be no objection on the ground of holding very strong political opinions, one of whom he would suggest ought to be named in place of the hon. Member for Roscommon.

Mr. *Horsman* had proposed to the hon. Member for Buckingham to select one of two names; but that the hon. Member had replied, "No; propose your man, and then I will state my objections to him."

Mr. *O'Connell* begged to differ with the hon. Member for Tynemouth, in defining the politics of the hon. Member for Roscommon as of a moderate character. Now, the hon. Member for Exeter was a Whig or very little more, while the hon. Member for Roscommon was a thorough Radical, who had pledged himself to his constituency, at the last election, to support the present Administration. He had voted for the Ballot, the Shortening of Parliament, Universal Suffrage, and was a decided Repealer, and yet the hon. Member for Tynemouth had asserted that he was a man of moderate politics.

Mr. *Robinson* wished to state the reason why he felt it incumbent on him to vote for the hon. Member for Exeter. His predilections were in favour of his Friend the hon. Member for Lancaster, but when he recollected that the former Gentleman had been originally proposed, he felt that he could not object to him now without casting imputations on him.

Mr. *Scarlett* denied that any imputation was intended, by the opposition given to the substitution of the name of the hon. Member for Exeter. A comparison between two hon. Members was an extremely delicate point, and he thought the best way to avoid it would be by hon. Members opposite acquiescing in any reasonable proposal emanating from his side of the House. He was sorry to hear that the politics of the O'Conor Don were of so decided a character as that described, but still there was no man carried further than that hon. Member those notions of honour and impartiality which in a judicial tribunal could alone lead to a correct conclusion.

Sir *George Clerk* said, that although he conceived many of the facts as originally stated by the hon. Member opposite (Mr. Horsman) to have been founded in misconception, yet he offered no objection to inquiry, stating, at the same time, that the Committee should be so constituted as to meet with the confidence of that House and the people of Scotland. He felt, that as it was to be an inquiry into a question of a legal character, it was not only necessary to have a Committee free from political bias, but one formed of men who, from their professional habits or other sources, were best calculated to turn their attention to a question of so difficult a nature. Being still of that opinion, being anxious for full and fair inquiry, and being desirous that the Committee should be placed above all suspicion, he would suggest that a conference should take place between the hon. Member for Buckingham and the noble Lord, the Secretary of State for the Home Department, in order that they might decide upon substituting some hon. Member to whom there would be no objection.

Lord *John Russell* had seen the original list of the Members of the Committee before it was proposed to the House, and thought it a very fair one. When it was proposed to the House, the only objection made to it was that some of the hon. Members who belonged to the other side of the House might not be able to attend. He had observed that if that should prove to be the case there would be no difficulty in filling up the vacancies with Members of the same side of the House; for no one contended that the constitution of the Committee was irrevocable. Now, however, when an hon. Member from his side of the House was unable to continue his attendance on the Committee, the substitution of another hon. Member of similar political principles was opposed. The hon. Member for Buckingham was not entitled to refuse the proposition of the hon. Member for Cockermouth, and to say, "Do you propose your man, and I will state my objections to him." With reference to the present motion and amendment, he had only to say that he had every confidence in both his hon. Friends' names (Mr. Divett and Mr. Stewart); but that as a substantive motion had been made for the nomination of the hon. Member for Exeter in place of the hon. Member for Roscommon, he could not consent to the substitution of the name of his other hon. Friend.

Mr. *James* could not avoid observing that the discussion which had this evening occurred was calculated to depreciate this House in the eyes of the country.

The House divided on the original question that the hon. Member for Roscommon be discharged from further attendance on the Fictitious Votes (Scotland) Committee:—Ayes 130; Noes 16: Majority 114.

The House again divided on the question that the name of the hon. Member for Exeter be substituted for that of the hon. Member for Roscommon:—Ayes 111; Noes 40: Majority 71.

HOUSE OF LORDS,

Monday, February 20, 1837.

MINUTES.] Petitions presented. By the Bishop of HEREFORD, from Bridgenorth, against parts of the Fourth Report of the Ecclesiastical Commissioners; and from the Archdeaconry of Ely, against Abolition of Church Rates.—By the Earl of RIPON, from Lincoln; Lord KENYON, the Marquess of CLANRICARDE, the Bishop of EXETER, Lords MARYBOROUGH, BEXLEY; the Earls of CLARENDON, SHAFTESBURY; the Marquess of LANSDOWNE, from various places, against the Abolition of Church Rates.—By the Marquess of LANSDOWNE, from the Guardians of the Poor of the Hoxne Union, against the Alteration of Poor Laws Amendment Act.—By Lord BROUGHAM, from Okehampton, for some measure to extend the benefit of the Municipal Corporations Act to that Town.

MUNICIPAL CORPORATIONS (IRELAND)—PETITIONS.] Lord *Cloncurry* said, he had to present a petition from a large parish in the county of Westmeath, in Ireland; and, as it alluded to a noble Lord who was now in his place, he considered it to be his duty to read it. The petition was respectfully worded; but it alluded with considerable feeling—with hurt feelings—to a speech made by the noble Lord in his place. The petition was from the householders and landholders of the parish of Ballymore, in the county of Westmeath, and prayed that their Lordships would take the Municipal Corporations of Ireland into their consideration, with a view to a reform of them as extensively and as fully as had been extended to those in England and Scotland. The petitioners expressed their regret, that a majority of their Lordships' House had thought fit to refuse their assent to the measure to this effect, which had been sent to them from the House of Commons, thereby inferring that the Irish people were not capable of managing their own affairs. In respect to the enormous abuses which existed in these corporations, and the injury which resulted from them, arising from the want of a wholesome popular control, they had been so frequently detailed, that the petitioners did not think it necessary to state them; but they could not avoid referring to certain expressions which had been used by an influential Member of your Lordships' House, in which he called the Irish people aliens in blood.

Lord *Lyndhurst* rose to order. Petitioners could not, he believed, regularly allude to any expressions that had been used in their Lordships' House.

The Marquess of *Clanricarde* was of opinion, that this was a petition which ought to be received. The terms of the petition did not aver that the expressions alluded to were used in that House; but it did refer to expressions which might or might not have been used there. The words of the petition were,—"The petitioners cannot avoid referring to expressions which had been used by an influential Member of your Lordships' House." Now, he did not mean to contend that these words did not refer to expressions which had been used in that House, for he thought they did; but still he could only arrive at that opinion by inference; and it would be a very broad principle indeed, if they were to lay it down as a rule that they were not to receive petitions in which allusion happened to be made to expressions that had been used by a Member of that House, but which did not state that they were uttered in that House. That would be taking a wide range indeed. It was, however, for their Lordships' consideration, whether they would receive the petition or not. He thought that the petition ought to be received.

Lord *Cloncurry*, as the petition had been confided to him, must request their Lordships to decide whether it were to be received or not, for he had a number of petitions to present, in which the same unfortunate expression was alluded to. He was not, however, sufficiently acquainted with the forms of their Lordships' House to give an opinion, and he had no desire to invade their Lordships' regulations; but he would only say that the expression referred to, wherever it might have been used, had produced a strong impression on the minds of the people of Ireland, who were of opinion that the person who had uttered it must be an alien to the feelings which should result from the Christian religion, or he would not have ventured thus to offend so many millions of people. Whether the petitioners were alien in blood, in language, and in feeling, from the person who had used the expression he could not judge. Neither could he judge, whether the individual who had thus spoken was alien, or belonged to this country or not; but he wished respectfully to say, that he coincided in the opinion of his countrymen, that they ought to have that measure of relief and justice extended to them which they claimed. He, therefore, left it to their Lordships to decide, whether he should present those petitions to the House, or return them to those by whom they had been placed in his hands.

Lord *Holland* said, it was a very nice question to decide. Although the petitioners did not directly assert that the words to which they referred had been used in that House; yet, if it were their Lordships' opinion that it was meant to imply that such expressions had been used there, he thought that their Lordships could hardly receive the petition.

The Marquess of *Clanricarde* said, it frequently happened that petitioners were obliged to allude directly to what had been said in that House, and yet their petition could not, in many cases, be objected to. He would instance petitions in which judicial decisions were referred to. [Lord *Lyndhurst:* In judicial cases.] He, undoubtedly, alluded to judicial cases; but he thought their Lordships would find it very difficult to draw a line of distinction, and to say in what cases petitioners should be absolutely precluded from alluding, even by inference to expressions used, or supposed to have been used in that House. He, at any rate, objected to the petition being refused, without knowing what the petitioners really did say. How could they know that without going to the prayer of the petition?

Lord *Lyndhurst* had only thrown out a suggestion to the noble Lord who introduced the petition, in order that if any reference were made in it to what had been said in that House, the noble Lord might see the propriety of withdrawing it.

Lord *Cloncurry* was not disposed to withdraw the numerous petitions intrusted to him, all complaining, like that now before them, of the language which was referred to in it, unless the House refused to receive them. In presenting those petitions, he was the representative of a large body of his fellow countrymen, with whom he certainly participated in the indignation which they expressed at the terms which had been applied to them.

Viscount *Melbourne* suggested that the petition should be read.

The petition was accordingly read at length.

Viscount *Melbourne* said, it would be extremely inconvenient if petitioners were permitted to allude to expressions used by noble Lords in the course of debate. He was opposed to the reception of the petition in its present state, and hoped the noble Lord would consent to withdraw it.

Petition withdrawn.

REGISTRATION AND MARRIAGES ACTS SUSPENSION BILL.] On the Report of the Registration and Marriage Acts Suspension Bill being brought up,

The *Lord Chancellor* observed, that the Bill as it came up to them answered every purpose for which it was intended. It provided, that the two Acts relative to Registration of Births, &c., and Marriages, which were to come into operation on the 1st of March next, should not take effect till the 30th of June, and it left in operation the 52nd of Geo. 3rd, which related to registration of births, and the 4th of Geo. 4th, which had reference to solemnization of marriage, which, however, were to be repealed after the 30th of June. This, as he had before said, fully met the circumstances of the case; and, therefore, the amendment introduced by the noble Lord (Ellenborough) on a former evening was unnecessary. He would, therefore, now move, that the words of the second clause "on such day as the registrar shall appoint" be left out, as in his judgment there was no necessity for the alteration.

Lord *Brougham* was of opinion, that the alteration was necessary, for by the operation of the two clauses of the two Acts as they now stood; and, as without the alteration they would stand, all marriages would be prohibited from the 1st of March to the 30th of June, and all marriages, except those authorised by licence, would be null and void. His noble and learned Friend (the Lord Chancellor) seemed to think, that were the proposed alteration suppressed, there might arise questions of doubt, but not questions of difficulty, he (Lord Brougham) would, therefore, merely show to their Lordships that questions of difficulty even might arise. His Lordship then contrasted two sections of the two Acts, and demonstrated that the dates were so at variance with one another as to produce the effect he had described. He had considered it necessary to make these remarks, as they would bear out what he had already said.

Amendment agreed to. Report received.

Bill to be read a third time.

HOUSE OF COMMONS,

Monday, February 20, 1837.

MINUTES.] Bills. Read a third time:—Post Office Contracts.—Read a second time:—Charity Commissioners; Shire Halls.

Petitions presented. By Mr. HENRY WILSON, WILLIAM ORD, Mr. LAMBTON, Mr. CUTHBERT RIPON, Mr. HUTT, Mr. LENNARD, Mr. CHARLES LUSHINGTON, Mr. MARK PHILIPS, Mr. HAWES, Mr. BAINES, Mr. CLAY, Mr. WILKS, Mr. HASTIE, Mr. A. SANDFORD, Mr. HINDLEY, Mr. G. F. YOUNG, Mr. PENDARVES, Mr. PATTISON, the ATTORNEY-GENERAL, and Sir RONALD FERGUSSON, from Poplar, Hackney, and other places, for the Abolition of Church Rates.—By Sir G. CLERK, Sir Y. BULLER, Lord F. EGERTON, Messrs. PRAED, JOHN LEE SANDERSON, and Colonel SIBTHORP, from various places, for the Abolition of Church Rates.—By Mr. J. O'CONNELL and several other Hon. MEMBERS, from various places, for the Abolition of Tithes (Ireland); and for the Municipal Corporations (Ireland) Bill; and Vote by Ballot.—By Mr. HINDLEY and other Hon. MEMBERS, from various places, for Municipal Corporations (Ireland) Bill; and for Vote by Ballot.—By Sir R. FERGUSSON, Messrs. C. LUSHINGTON, H. WILSON, from Nottingham and other places, for Repeal of Duty on Fire Insurances.—By Mr. A. WILLIAMS and Mr. HASTIE, from Llandowry, Llangadock, Llandilo, and Paisley, for Repeal of Duty on Soap.—By Mr. HARDY, from Bradford, for Amendment of Factories' Act.—By Mr. RICHARDS, Mr. HUTT, Mr. BETHELL, from Buckfastleigh, Dolgelly, Southcoates, Drypool, and Marfleet, for Amendment of Poor Law Act.—By Mr. AGLIONBY, from Cockermouth, for Poor Laws (Ireland).

MUNICIPAL CORPORATIONS (IRELAND). COMMITTEE.] The Order of the Day for going into Committee on the Municipal Corporations (Ireland) Bill having been read,

Lord *Francis Egerton*, in rising to move an instruction to the Committee, said, that he could hardly hope that the circumstance of this being the second occasion on which he had undertaken, in deference to the wishes of those with whom he politically acted, to do what the House would admit he very rarely presumed to attempt—namely, to offer his suggestions as to the course which it was befitting the House to pursue on a question of great public interest and national concern—he could hardly hope that the circumstance of this being the second time of his bringing forward the motion which he should have the honour to propose would bring with itself much alleviation to the embarrassment and difficulty which he felt in approaching this subject. Upon this occasion so many incidental topics had been introduced, in the first instance, by the noble Lord who brought forward the subject, for reasons which he did not impugn, and to which it was not his intention to object, that it became extremely difficult for any Gentleman who wished to deal with the subject at all to treat it abstractedly or solely with reference to the merits of the question before the House, that question relating to the manner in which they should deal with the Bill proposed by the noble Lord opposite for establishing Municipal Corporations in Ireland. It might be very difficult for him, in common with others, to avoid altogether the introduction of incidental topics which unfortunately led to irritation and animosity, and to discussions foreign to the immediate subject, but he would do his best to shun any unnecessary introduction of those topics, and he would express his anxious hopes, that, in discharging to the best of his ability the duty which he had undertaken to perform, he might not be supposed desirous of referring to any topic which could give offence to Gentlemen on the other side of the House. There were many personal reasons for his wishing to abstain from any reflections which could give offence to any Members of the Government, because that Government contained many Members for whom he entertained feelings of friendship and regard. The resolution which he had placed on the books of the House sufficiently indicated to the noble Lord (J. Russell) and the Gentlemen who supported his Administration, that inasmuch as, with some slight exceptions, the noble Lord's Bill was the same as that which he introduced last year, the course which he and those who did him the honour to act with him thought it proper to follow, without any deviation, was the same as they had adopted last year. If he could trust to the recollection of the noble Lord opposite of what occurred on that debate in preference to his own, he would certainly spare himself the trouble of recalling to the attention of the House any topic which was then advanced. But in the speech with which the noble Lord introduced this measure, he compressed in a small compass, and after a version of his own, the arguments which were brought forward in opposition to the

Bill, and he believed that the expressions used by the noble Lord were, that the only argument advanced in support of the views of those who opposed the Bill were—that whereas England was inhabited by Englishmen, and Scotland by Scotchmen, because Ireland was inhabited by Irishmen, Ireland was not fit to receive the particular institutions in question. The House would see—that cheer assured him that the House did see—that it was not altogether unimportant for him to disclaim the expressions, and the argument which was couched in the terms employed by the noble Lord—terms which could not be otherwise than offensive to the feelings of the people of Ireland. It might suit the purpose of the noble Lord, whose tenure of office and of power depended on the degree of the political thermometer at which he could keep up the excitement of the people of Ireland on questions of public interest, to couch the arguments of Gentlemen on that side of the House in forms and expressions well calculated to awaken the national pride and arouse a sense of injured honour in the people of Ireland—feelings which he should be the last man to undervalue, but which, when misdirected, were not likely to lead to a cool and dispassionate judgment on political questions. He never said—and he believed he might say for his Friends on that side of the House, that no Gentleman who usually sat there had said—anything which the noble Lord had a right to strip down to the naked and offensive proposition he had enunciated. He had never said that there was any thing in the national character of Irishmen, as such, which should disqualify them from participating in any benefits which Parliament might be able to confer, but that there were circumstances in the social condition and present state of Ireland which, in his judgment, made it most unwise to apply the particular nostrum which the noble Lord proposed to administer. The noble Lord spoke of his measure as one that would establish justice and promote peace in Ireland. They told him that they thought it would inflict injustice, exasperate strife, and make her condition incurable. The noble Lord spoke of his measure as one that would destroy an unjust monopoly; they assured him that it would lead to its resuscitation and transfer. The noble Lord defined justice to Ireland to be an identity of institutions and government by means of local corporations; they quoted in answer the instances of Manchester and Birmingham, and, referring to the petition at Belfast, denied that the terms were synonymous. The noble Lord spoke of identity of legislation; his opponents spoke of the Assistant Barrister's jurisdiction, and told him of his own Police Bill, and he now had to thank the noble Lord for supplying him with another topic from the measure which he was about to introduce for the establishment of Poor-laws in Ireland. He believed the measure of the noble Lord was not yet printed. [Several hon. *Members:* Yes it is.] At all events, the report of Mr. Nicholls was now in the hands of Members, and he must say, that, whether looking at the speech of the noble Lord, which did him the utmost credit, or the report on which it was founded, increasing proofs were afforded of the difficulty of applying that identity of legislation which the noble Lord declared to be justice to Ireland. He thought that the report of Mr. Nicholls showed in every page, at least in every important page, a laudable desire, without the accompanying power to apply the identical institutions to Ireland which were established in England. To take, for instance, the paragraph in the report relating to the union of parishes under a board of Guardians, Mr. Nicholls said, that if it were desirable to establish in the several parishes of Ireland a parochial machinery similar to that which existed in England, he believed the attempt would fail, for the description of persons requisite for constituting such a machinery would not be found in the great majority of Irish parishes. And he went on to say, that the system of united parishes acting under a combined arrangement was therefore more necessary even than for England. The difference between the measure which the noble Lord proposed to introduce into Ireland, and that which was now in operation in this country, had already been adverted to in the speech of the noble Lord. The noble Lord had alluded to the difficulty of appointing county magistrates *ex officio* Members of the board of Guardians. But there was one feature of difference which had struck him as being rather more remarkable on account of the number of instances in which it exhibited itself when the measure was brought to bear on Ireland. He had occasion lately to inquire of one of his constituents relating to a question which he was afraid would press itself more strongly on the noble

Lord's attention than he could wish—he meant the introduction of the new Poor-law into those districts of the north in which it had not fully come into operation. His correspondent had told him, that for the last two years, he had never failed to attend at one of the boards which had been formed in the township to which he belonged. That correspondent of his was a clergyman, who, in the discharge of his religious duties, had always conducted himself in the most exemplary manner, and he believed it would be found throughout the country that clergymen had been most valuable assistants in working the English Bill. He did not know whether that observation could be extended to clergymen of other persuasions. It surely, then, would not be contended, at least by Protestant Gentlemen, that the Protestant clergy of Ireland were more disqualified for this office than their English brethren; but he had not the smallest doubt that the noble Lord had acted right in determining that neither the Protestant nor the Catholic clergy should be members of the board of guardians. Could there be, then, a stronger proof of that difference between the two countries which prevented the application of an indemnity of institutions to both, than that no clergyman of any persuasion whatever should be a member of the board of guardians in Ireland? It might be desirable, if they were dealing with the details of this Bill, to show that a scale of rating should rather have been adopted as the mode of qualification for the elective franchise than that proposed by the noble Lord; but as they were not dealing with those details, he would not at present trouble the House with the subject. The house would hardly thank him for endeavouring to recite from memory, or to read from Hansard, the precise language in which his arguments were conveyed on a former occasion. Supposing, however, that the noble Lord continued to be unconvinced, and supposing that gentlemen on that (the opposition) side of the House still felt the same objections, he admitted that two very important questions remained for consideration on the present occasion. He believed them to be important, because he did not rest his opposition to the Bill on any internal or inherent grounds of objection founded on the Irish character, which would better become a Virginian planter dealing with the slave question than a member of a British House of Parliament while speaking of his Roman Catholic fellow-countrymen. Of these two questions, which it would not take him long to discuss, the first was whether this Bill contained any alterations or modifications which could remove the objections which the opposition entertained to it; the next was, whether the state of Ireland had been so much altered and modified as to produce a change of opinion. With regard to the first question, the Bill seemed, with one exception, to be much the same as that of last year. On that exception he felt it his duty briefly to make a few remarks. It related to the appointment of sheriffs. He believed that in the Bill of last year the election of the sheriffs was left to the town-council, subject to the silent disapprobation of the Lord-Lieutenant. The elective nature of that appointment was objected to, and it was defended by his right hon. Friend the Chancellor of the Exchequer, on the ground that it was likely to work extremely well, and because the number of towns which would be exposed to the infliction was limited to eight. But it was again urged that those eight cities contained the preponderating fraction of those who would be affected by the Bill, and the prayer of Abraham was preferred, that even for the sake of those eight cities that provision might be excluded from the Bill. That request was no sooner made than it was acceded to, and thus the Bill received a modification of some importance. But on the present occasion the Bill appeared to have undergone another modification. The recess afforded leisure for reflection, and an opportunity of listening to advice and acquiring information. The noble Lord had doubtless received advice from some quarter which induced him to repent of the solitary sin of a culpable act of concession to a minority, and instead of the old mode the noble Lord had adopted another modification, which left the ultimate responsibility of a veto with the Lord-Lieutenant after six names at two different periods had been proposed to him by the town-council. He could easily conceive that the noble Lord the Secretary for the Home Department, and the noble Lord the Secretary for Ireland, could not anticipate any possible inconvenience from such an arrangement so long as they held the Government of Ireland. Really the opinions of the present Government of Ireland appeared so extremely liberal on the subject of qualification for officers of trust and confidence, that it would hardly come within the compass of any probability that any person could be elected under this Bill to whom the Lord-Lieutenant could offer any serious objection. It was perfectly obvious that the circumstance of a person's being a notorious and eager political partisan could not form any objection to the prevent Government, supposing that he agreed with the Government to a certain extent, however much he might go beyond their views. They might also feel confident that an occasional violation of the law would form no substantive objection to an individual's appointment, and therefore the noble Lord would anticipate no inconvenience in working the machinery of Government under this provision. But he might be allowed to suggest the possibility of a Government being established in Ireland holding different opinions to those of the present Administration. He did not refer to a Tory or an Orange Government, or any particular Government whatever; but he could imagine the establishment of a Government which would think that a character as a political agitator was not much of a recommendation for an office which was largely concerned in the administration of justice, — a Government which would be slow to act on the principle that an occasional violation of the law was in itself a qualification for the due administration of it, and that a casual experience of its minor penalties would be likely to lead to its merciful administration. This was the principle on which, as he understood, country gentlemen occasionally acted when they appointed the principal poacher in the neighbourhood to the confidential office of gamekeeper; the principle upon which in Italy the bandit became the escort of the traveller; and the gentleman who had figured in the records of brigandage, the discoverer of crime and the guard of his sovereign's person. However unlikely it might be that any Government of this description might be established, still, looking, not at particular government, looking not with reference to any particular individuals, but with a reference to the policy of any government whatever, he must say, that he wished to legislate for all possible and contingent governments; and he really thought that it would be better to leave the nomination of sheriffs at once subject to the Lord-Lieutenant, instead of exposing the Irish Government to an ultimate collision with the town-council. He did not attach any extraordinary importance to this change, but it certainly contained no argument which could be instrumental in reconciling Gentlemen on his side of the House to that part of the measure to which they objected: and, to do the noble Lord justice, he did not suppose that he had framed it with any such intention. Having disposed of this question, he would next turn to the more important one—namely, whether any change which might have been alleged to have occurred in the situation and prospects of Ireland since last year could produce a corresponding change in the aspect of the question under consideration. The noble Lord who introduced this subject had drawn a very flattering picture of the state of Ireland; dipping his pencil in rainbow colours when he spoke of matters which were usually of a melancholy and sombre hue, the number and atrocity of the crimes committed in Ireland. This statement bore indirectly on the question so far as the crimes which had their origin in political animosity were concerned. In the first place, the noble Lord had taken credit for the Irish Government for the extinction of those singular disturbances which went in Ireland by the name of " fair and faction feuds," and he certainly heard with some surprise that these strange disturbances had been rather encouraged than discountenanced by the local authorities, and regarded with something like favour by the central government, acting on the odious maxim of *divide et impera.*

Lord *John Russell* had not made this charge against the central Government, but he had stated that it was abetted by some local magistrates.

Lord *F. Egerton* had not alluded to the speech of the noble Lord, but to the speech of the noble Lord, the Secretary for Ireland. [Viscount *Morpeth*; You should quote correctly, then.] He begged the noble Lord's pardon, but he understood the noble Lord had applied that charge to the central Government of Ireland. But he could not guess to what Government the noble Lord alluded. He was not there to answer for any of them; he was not there to defend Lord Anglesea, nor Lord Wellesley, nor any other Lord-

Lieutenant of Ireland; but this he would say for himself, that he would not for a moment condescend to serve under any Lord-Lieutenant who would so act, nor would he have remained one hour in communication with a Lord Chancellor who refused to dismiss a magistrate proved to have been guilty of such culpable connivance. With regard to the singular cessation of these disturbances in that country, he was glad, for the sake of the unfortunate victims who, without any intelligible reason, engaged in them, to hear that such was the case. But he might be permitted to express a doubt on one or two features of the case. As to what they had heard of the miraculous and sudden cessation of outrage, he questioned whether it would be enduring. He well recollected, when the Catholic Association was in the plenitude of its power and its influence, that they laid an interdict on this particular description of outrage, and it was, as they were told, suppressed by the Association; but when the Emancipation Bill had passed, it very shortly after revived in full strength and vigour. The same sort of interference had been now employed, and he feared that its effects would not be more lasting. He did not know whether the Shanavests had fallen into the arms of the Caravats, or whether the Black Hens had embraced the Magpies, and the Four-year-olds the Three-year-olds—for by such strange appellations were some of the factions known when he was in Ireland—but it appeared to him that there were other reasons besides the love of quiet in these people, for this sudden cessation. With regard to the flattering picture which the noble Lord had drawn as to the state of crime in Ireland, he should be most happy to find, when the returns were presented, that they confirmed the noble Lord's statements. He did not mean to question their accuracy, and he hoped the noble Lord would do him the justice to believe that no disappointment with respect to party or political views, would prevent him from rejoicing in any mitigation of outrage in Ireland; but he confessed he felt some surprise when he heard the case of that unfortunately somewhat famous county, Tipperary, cited. If the returns with which he had been furnished were true, as he apprehended they must be, the committals to the county gaol, during the last twelve months, had amounted to 1,557; and if it were true that out of these, making every allowance for the difficulty which presented itself to the successful prosecution of crime in Ireland, a difficulty which had been severely felt, still if, in spite of that difficulty, no less than 1,350 persons had been convicted of the offences with which they were charged, it would be too much to say that the state of crime in Ireland was altogether satisfactory. He did not mean to say that these returns might not be more favourable than those of some former years, or of any particular former year. If these returns showed any diminution in the progress of crime, no one would rejoice at it more than himself; but at the first blush of the statement made by the noble Lord, he was rather surprised to find a county which bore such a figure in the calendar, quoted as a favourable instance of the improving situation and increased tranquillity of Ireland. There were many details connected with this subject with which he might easily detain the House, and perhaps with some slight advantage, but as they were not relevant to the present Bill, and as he was not standing there to make out a case against Ireland, he would abstain from entering upon them, although the noble Lord was at liberty to inspect them if he pleased. There was another circumstance in the present state of Ireland which it was far more painful to deal with than with subjects that did not concern any individual either present or absent. It was impossible, however, for him to dismiss it altogether without some remarks. He alluded to the National Association, and which appeared to him to have exchanged its former name of Catholic for one not much improved, as it was borrowed from revolutionary times, and which called itself the National Association of Ireland. [An hon. *Member:* No; the General Association.] Indeed! then it was much to the credit of the Association, that, having begun with the name of national, it had changed its name to that of general; and he, for one, considered it a proof of their good taste. He believed that it was very unnecessary for him to trouble that House with any very detailed description of the measures, proceedings, and objects denounced and professed by that Association, for that description had already been given very fully and very accurately in the course of the debate which had preceded the introduction of the noble Lord's Bill. There was one feature, however, about it that was remarkable. It might have been expected, under the popular Government of the noble Lord at the head of affairs in Ireland, controlled as it was in the administration of the law by a strong disposition to clemency—it might have been expected that whatever were the political views of the General Association, it would have left Ireland to the exertions and protection of the Government, as far as regarded the tranquillization and pacification of that country. The noble Lord had spoken of Lord Mulgrave as the pacificator of Ireland. Now, what did the General Association say upon that point? In his opinion, they treated the power of Lord Mulgrave with the greatest disrespect. One of the leading measures of that Association was to send down, by a resolution drawn up with great care, singular accuracy, and much legal refinement, pacificators to all the parishes of Ireland. He did not know whether the party who drew up that resolution, might not at the present moment be one of those parties who were officially engaged in advising the Lord-Lieutenant of Ireland as to the meaning and operation of the laws which he was to administer; he did not know whether he might not at that very moment be penning an opinion about the propriety or impropriety of sending out troops to prevent the rescue of property seized for tithes; but be that as it might, he had no hesitation in saying, that he had never seen any report of that House drawn up with more care and diligence in all its minutiæ than that resolution of the Association which sent two pacificators into every parish in Ireland. They were directed in the first place how to perform the functions to which their name more particularly applied. Those functions were the same with those which were performed by attornies, and generally by electioneering agents in England. The activity of this organization, and its extension to all parts of Ireland, together with the directions which it had received to follow the Parliamentary interests of the Association into all corners of the country, led him to suppose that the same activity which the pacificators were directed to apply to the extension of the elective suffrage among their own party in cases affecting Parliamentary elections, was also to be put into operation to carry the elections of local officers in the new Municipal Corporations. Last year, the Attorney-General for Ireland had spoken of the working of the Act of the 9th of George 3rd, and had said that sectarian influence had not been observable in its operation wherever it had been put in force. Would that hon. and learned Gentleman, if he were now in the House, venture to tell him that there was a probability, or even a possibility, that that organization which was to control the elective franchise in all parts of Ireland for Parliamentary purposes, would not be extended to the electors under this Municipal Reform Bill? He doubted whether there was any town in any of the schedules attached to the Bill, so humble as to be deemed beneath the notice and attention of these pacificators. It had been said, that it was very desirable to create in these towns a species of local aristocracy that was not in existence at present. For his own part, he was as little a friend to the centralizing system of France as could be well imagined; and he should, therefore, be glad to see that species of local aristocracy created in the towns of Ireland, no matter whether it were elected or not. But was there any chance that the local aristocracy created under the patronage of an Association which was encouraged, if not patronz d, by the Lord-Lieutenant, would take out its patent, and pay its allegiance to that noble Lord instead of the General Association? It had been said that, even after you had established these corporations as arenas for political discussions in every town of Ireland, if they attempted to turn their attention to any thing but their local concerns, their agitation would be feeble and without effect. Now, would any man venture to tell him that any of these Corporations would be anything else but a platform for a battery against the Established Church of Ireland? and it was to this part of the su ject that the attention of the House ought to be most particularly directed. The hon. and learned Member for Bath cheered him for that expression. He thought the hon. and learned Member for Bath acted with the same candour and honesty that he had displayed in the able speech which he had made on a former occasion this Session. His wish and his desire was to see the destruction of the Established Church in Ireland. The hon. Member was therefore a wise and consistent supporter of the Bill at that moment before the House. The noble Lord opposite (Lord J. Russell), however, had avowed himself determined to support the Established Church in Ireland. He had heard the noble Lord make that declaration; and, though he was not inclined to comment upon the demeanour of individuals, he must be forgiven for saying, that that declaration conveyed as much to his mind in its manner as in its substance. The manner of the noble Lord was not that of a sectarian, acting under the spirit of stern religious feelings; it was rather the calm, deliberate manner of an individual who had weighed all the probabilities of the case, and had made up his mind on a balance of the advantages and disadvantages to support the Establishment, and to avow his determination to support it to the public. He had had greater satisfaction in hearing that determination coolly and deliberately declared by the noble Lord, than he should have felt if the noble Lord's declaration had been more deeply tinged with religious and sectarian feeling. And after the manner in which the noble Lord had also expressed his views recently upon another great question connected with the maintenance of the rights and privileges of the Church, he had no doubt that there would be as much determination in the execution, as there was honesty in the formation, of his high resolve upon this subject. The noble Lord, however, be it observed, was determined to support that Church which the hon. and learned Member for Bath had declared his determination to destroy, upon the first opportunity; and yet the noble Lord, after making that declaration, without stating his views at all definitely respecting the Irish Church, with that great question yet open, and not at all approaching to a settlement, called upon those hon. Members who felt for the dangers to which that Church was exposed, to consent to a measure which would place weapons of power and strength in the hands of those, whose first, but he could not say, whose only object was its subversion. He was unwilling, with his own hands, to place a stepping-stone, from which they could stride to those further measures, which they, perhaps conscientiously, deemed necessary for the salvation of the country. The noble Lord, upon a former occasion, had met him with an argument, which, if he could give to it the same credence which the noble Lord did, would weigh seriously with him. That argument was couched in a few words, but those significant, for the noble Lord talked lagely of justice and peace to Ireland. There was no political opinion or attachment which he was not ready to sacrifice for ever, provided he could procure by it that justice and that peace. But would any of the hon. Gentlemen opposite favour him with a definition of what he meant by justice to Ireland? It had been well observed by a noble Friend of his last Session, that justice to Ireland was a phantom that always eluded the grasp; that it was the phase of the rainbow which was perpetually changing its shape,

> "Omnia transformant sese in miracula rerum,"

and defying all the attempts of the peasant, whose ignorance hurried him on to pursue it, to arrest and secure its beautiful but transitory hues,—which to-day assumed the shape of Municipal Reform, which the next day assumed the shape of Universal Suffrage, which then changed into the shape of Vote by Ballot; but which under every shape, at all times, and under every disguise, meant the subversion of the Irish Church, and the bloodstained impost of tithes. Peace to Ireland! That was not the first occasion on which peace to Ireland had been promised. It had been promised by every voice which had hailed with acclamation, the passing of the Catholic Relief Bill. He would not detain the House by examining how that promise had been kept—how the expectations then excited had been disappointed and deceived. Such an examination would be worse than useless, for the promise was not made now. Those who promoted this Bill, and who controlled, in consequence, the central government of Ireland, did not even profess to be satisfied with this very measure, which the House was now called upon to pass, as calculated to give peace and tranquillity to Ireland. They told the country, that as long as one stone remained on another, in the Church of Ireland, so long should the storm which their breath had raised, and which their exertions had never permitted to slumber, continue to rave around the edifice. When the noble Lord talked to him of peace and justice to Ireland, it was fitting to know in what they consisted, and by what price they were to be purchased. The hon. Member for Bath, and his Friends, asserted that he was prepared to pay the full price. In that they were not inconsistent; but how was it with the noble Lord, who professed to maintain the Establishment, and yet introduced a measure well calculated to destroy it? If the Legislature were to grant this Bill, for reasons of state policy—if it were so just and necessary as was represented, let the people and Parliament of England grant it; but let them not grant it in the expectation of its producing the peace which had been often promised, but had never arrived, as the consequence of concession. Let them be aware of the fact, and digest it inwardly in their minds, that peace was not to be attained by the price now offered to be paid for it. With reference to what he had said respecting the General Association, and the parties connected with it in Ireland, he had endeavoured to avoid anything that savoured of personal allusion and attack. His opinion was, that that Association, from the state of society in Ireland, was an Association of great strength, influence, and power; that its efforts had been directed, and would perseveringly continue to be directed, to compass objects, which not merely he and those who thought with him deemed objectionable, as leading to the repeal of the Union, and the separation of the two countries, but which the noble Lord and his Friends had also pledged themselves individually and collectively to oppose. On this account, the noble Lord, he thought, was mistaken in giving to this Association, by this Bill, a *locus standi* in every town in Ireland. Undoubtedly, it was not for him to say, that agitation would cease if you had not these corporations as a theatre for agitation; but it was not either fair or just to the numerical minority to legalise the assumption by the majority of the ground of that field of agitation which they pursued, he would not say under the sanction of the law, but almost in violation of it. A great portion of the numerical minority—he meant the Protestants of Ireland—imagining that there was great danger, and great evil to be apprehended from the existence of that Association, seeing, or thinking, that they saw its efforts at agitation fostered, instead of discarded, by his Majesty's Government, had ventured to approach the throne by the constitutional mode of petition. He regretted to say, that by his Majesty's Government, the Protestants of Ireland had been rebuked with something almost like insult. They might have borne this, had it proceeded from the leaders of the opposite party, for they might have forgiven much to the recollection of the ancestral wrongs under which they laboured; but they argued thus, "If such be our treatment from a Government which is bound to protect us, what can we expect when we are subject to the strong control of a fierce and ignorant numerical majority?" Was it strange, that under such circumstances they should feel apprehension and alarm, and feeling apprehension and alarm, was it strange that they should object to the passing of the present measure? And under such circumstances, was it for him, and for those who, like him, had chided the fears, and rebuked the apprehensions of those who anticipated danger from the passing of the Catholic Relief Bill—was it, he said, for him and his Friends, who had told the Protestants of Ireland, that that measure would contribute to the better fortification and greater security of that church, whose ruin they feared—was it, he repeated, for him and his Friends now to turn round upon those Protestants, and rebuke them sternly, and say, that as Englishmen we could not see the dangers which they contemplated with so much alarm and trepidation? They feared, as well they might, the progress of the Association to the accomplishment of the objects which had been signally and significantly avowed, not only in its resolutions, but also in the violent language of their opponents. They feared that the establishment of corporations in Ireland would be the means of securing the abolition of tithes, the reform of the peerage, universal suffrage, and the vote by ballot, checked as the latter measure would be in its progress by the Catholic process of auricular confession. They might be justified in carrying their fears still further; and presuming that the questions to which he had just adverted, were carried, he did not know how soon he might be told that there was an insult to the people of Ireland, in having a Protestant Lord Chancellor, and a Protestant King. This might be deemed by some to be rather superlative fear, but with respect to the first, he held in his hand a quotation from a speech, which proved that it was not entirely hypothetical; and as quotations from speeches were now much in fashion, he hoped the House would bear with him whilst he made a short quotation from the speech in question, and would recollect that it was the only quotation he had made in the course of his observations. It was part of a speech delivered in Dublin on the 19th of January, 1837:—"In 1793 Roman Catholic barristers were first made eligible for silk gowns." He need not detail the steps through which the orator pursued the progress of Catholic Emancipation; but coming to the last year, he said, "We have now got Sir Michael O'Loghlin, a Roman Catholic, Master of the Rolls"—and let the House mark what followed—"and would he not, should anything happen to Lord Plunkett, make an excellent Lord Chancellor?" He was ready to admit that if the little difficulty afforded by the Roman Catholic Relief Bill could be got over, no man could be appointed to the office of Lord Chancellor, to whom he would more willingly trust the adjudication of all legal questions. It was not for him to deny that Sir M. O'Loghlin would be an excellent person to appoint Lord Chancellor, provided he were not a Roman Catholic. It was upon these grounds, as well as from feelings of obligation and duty, and attachment to the inhabitants of the sister country, whom he had encouraged to forego all the apprehensions, and to dissipate all the fears, with which the Catholic Emancipation Bill inspired them—for humble as he was individually, he had been one of the promoters of that measure—that he came forward on the present occasion; and he would now say, that it would be better for Lord Plunkett that "anything" should happen to him now, than that he should live to forget the pledge which he gave to his Protestant fellow-countrymen, that the Catholic Relief Bill would operate as a security for the Protestant Church. He had appended his name to that security, under that noble Lord's great and powerful sanction, and he therefore felt that it was his duty not to turn a deaf ear to the solicitations of his Protestant brethren, when they approached the House under a deep sense of apprehension and danger, which he thought them entitled to feel. These feelings induced him to move the same resolution which he had moved last year, and in the very same terms. The noble Lord concluded by moving "That the Committee on the Bill for the regulation of Municipal Corporations in Ireland, be empowered to make provision for the abolition of such Corporations; and for such arrangements as may be necessary, on their abolition, for securing the efficient and impartial administration of justice, and the peace and good government of cities and towns in Ireland."

Mr. *Ward* said, it was now just one year since the noble Lord brought forward a motion precisely similar to the present, similar both in spirit and in words, resting upon the same grounds, supported by the same arguments—for the only new argument which the noble Lord had employed, was that founded upon the existence of the General Association—and leading to the same results, which would be produced by the present motion, if successful, namely, to extend and perpetuate that feeling of irritation amongst the Irish people, which the refusal of one branch of the Legislature to do them justice, had unfortunately caused. Was the House never to escape from this vicious circle when Ireland was concerned? The people complained of the want of justice, and justice was to be denied to them because they complained. If they were silent, what would be the inference? Why, that they were indifferent to the matter in dispute—that they could not appreciate the value of municipal institutions, and cared little for the boon which the Legislature wished to force upon them. This was always the logic of the Conservative party; silence and indifference were always synonymous. In 1831 the people of England, according to Mr. Croker, were indifferent to the Reform Bill, because the three preceding years there had been few petitions for reform; nor was it until the table had groaned under the weight of petitions from every corner of the empire that they could be undeceived. What then was their course? Why, they exclaimed against the vehemence with which the claims of the people were expressed, and protested they would never yield anything upon compulsion. They did yield, notwithstanding, and just in time to preserve this country from a revolutionary struggle. But now, untaught, unwarned, they were repeating the same experiment in Ireland, forgetting that it must lead inevitably to the same result. Yet surely much had passed, even since last Session to convince them of their error. Was the noble Lord satisfied himself with the results of his motion? Had he put an end to agitation in Ireland, by witholding municipal institutions? What was the argument upon which he had now rested his case? Why, that Ireland was one vast arena of political agitation. That although those normal schools, of which the House had heard so much last Session, had not been established, Ireland was governed not by the Lord-Lieutenant, not by the British Parliament, but by a Parliament sitting in Dublin, under the name of the General Association, debating, deliberating, forestalling, the discussions of that House, upon every point in which the welfare of Ireland was concerned; levying contributions, and extending its influence from the capital, to the remotest corners of the country. He admitted this to be an evil. He admitted that society would be in a sounder and healthier state if no such Association existed, and if the feelings of the people found vent through the legitimate channels which the Constitution had provided. But if the Association were an evil, what had produced it? When and why was it formed? What was the result of its influence? It was formed after the failure of two successive attempts to bring to an amicable adjustment the two questions in which the Irish people took the deepest interest. The tithe question alone—odious as that impost undoubtedly was to the Irish people, and doubly odious as it had been rendered by the late proceedings in the Court of Exchequer, by which the highest powers of the law had been vested in the hands of its most ignoble and degraded functionaries—had failed in producing it. It was the noble Lord's motion negatived, indeed, in that House, but carried through, in odious perfection elsewhere, under the sponsorship of one of the noble Lord's political associates, that was the parent of the Association. No sooner were the Irish people convinced that there was a party here determined to withhold from them rights of which they saw Englishmen and Scotchmen in the tranquil enjoyment, upon the insulting plea of national incompetency, than they determined to avail themselves of every resource which the law admitted of, in order to obtain their rights from the Legislature of their country. They combined for this purpose. There was nothing illegal in this combination. There was no law under which the sittings of the General Association could be interfered with or suspended: its members simply exercised that same right, which was exercised in various ways by almost every one of those whom he was then addressing. The Conservatives in 1831 were entitled to protest against political unions; they did not then belong to them. But now that they had covered the land with their Conservative Clubs, and Conservative operative Associations, with their presidents, and secretaries, and treasurers, and public discussions duly registered by the Conservative press, who saw in them nothing but the purest effusions of patriotism, with what face could they denounce an Association which differed from their own simply in this, that it represented the feelings not of a few hundreds, but of some millions of their fellow-countrymen? Was it perfectly legal and constitutional for one Association to bring the King's Government into contempt, by denouncing the measures which the Ministers and a majority of that House had sanctioned, for putting an end to the disastrous tithe war in Ireland, so little better than spoliation and sacrilege; and was it illegal and unconstitutional in another Association to pass resolutions expressing its conviction that the only way to preserve the Protestant Establishment in Ireland at all was to reform it, for that nothing but a different appropriation of the tithe fund, could reconcile the people to its existence? No; the right of combination, which always must and would exist in a free country, and which was now applied to every question of general interest, must be exercised by both sides, if exercised by either, and the party must not complain who happened to be the loser. What was it that gave to the Dublin Association its national character, but the existence of grievances which nine Irishmen out of ten had an interest in removing? Redress the grievance and the Association falls to the ground—though this, he feared, was the last mode in which Gentlemen opposite would seek to suppress it. On the contrary, whatever expectations might have been entertained previously, as to the course which the Conservative party would pursue upon the present occasion, there was little prospect now of conciliation or concession. They were determined evidently to make this not a civil but a religious question. The noble Lord had said that the Corporations, if established, would be in fact so many batteries against the Church; and the right hon. Baronet, the Member for Cumberland, had urged this argument with still greater vehemence.

Talk not to me of municipal institutions, he said, or of the claims of the Irish people to local government, I tell you that the Protestant Church is upon the verge of ruin. The majority of the people of Ireland are Catholics: I entertain a just dread of Popery and Catholic domination, and I will never assent to any measure by which the hands of that majority can be strengthened. What was that but to say, that because one act of injustice had been committed, injustice must be perpetual. Because the people of England, in virtue of their right of conquest, had saddled Ireland with a Church Establishment which she did not want, and from which seven-eighths of her people derived no spiritual benefit whatever, therefore they were to deny to her municipal institutions which she did want, and for which these same seven-eighths of her people expressed the most ardent desire. He admired the zeal of the right hon. Baronet, but he lamented his indiscretion. He feared that the Protestant Church was not sufficiently popular in Ireland to support the additional odium which would thus be cast upon it. Ordinary minds would have endeavoured to disconnect the two questions, and to convince the Irish people, that it was not from motives of religious jealousy that the reform of their corporations was refused; but the right hon. Baronet scorned such subterfuges. He told them fairly, that it was as Catholics that he mistrusted them, and would exclude them now and for ever from the pale of the British constitution, by denying to them rights which were denied to no man, whatever might be his creed, in any other part of the British empire. But this, he repeated, was the policy of hon. Gentlemen opposite. They meant to fight the battle as a religious question. The no-popery cry was to be raised again; the prejudices of the ignorant were to be inflamed, and the most odious imputations cast upon all who ventured to differ from them in the discharge of their political duties. If this were not their intention, for what purpose had the right hon. Baronet, the Member for Cumberland, read at that table the other night, the oath taken by Roman Catholic Members on entering that House? Everybody knew what he meant to imply by it; and what he had insinuated, other members of his party had said without reserve or hesitation. He did not allude to the noble Lord who had brought forward the present motion, for his opinions were always expressed with characteristic moderation, but to a right rev. Prelate, who had very recently accused the Roman Catholic Members of that House, in a charge to the clergy of his diocese, of treachery, aggravated by perjury:—"When we call to mind that such was the nature of the measure, such the argument by which it was enforced, I know not in what milder terms the indignation of an honest mind can be expressed, than by characterising the conduct of those who demanded it as treachery aggravated by perjury. No obloquy—however it may be attempted to heap obloquy on all who thus feel and thus proclaim their feeling—no violence of invective—from whatever quarter, and in whatever place, high or low, it may be uttered—shall deter me from giving expression to similar indignation, as often as it shall be called forth by similar perfidy, exhibited in such a cause." If this was the spirit in which the contest was to be carried on—if this was the *animus* with which men of high ability and high standing were to enter into it, they too, whose sacred calling might inspire them—if not with a little more of Christian charity towards our opponents, at all events with more of decency and of moderation in expressing their dissent from them, he could see nothing in that contest that would not affix indelible disgrace on the national character. But be this as it might, he would never shrink from professing and defending the opinions which he held in that House in the face of the country. He had seen something of the feelings of Englishmen of late upon these Irish questions, and he knew that when the facts were fairly stated, an appeal might always be made from their prejudices to their justice. They would see the fallacy of the grounds on which the noble Lord rested his present motion—they would see that there could be no monopolizing, no exclusion, no transfer of powers from one exclusive faction to another, where the power transferred was vested in the whole body of the people. They knew the value of municipal institutions, that they taught men to respect the laws, and gave them an interest in enforcing them; and they would see no reason why the people of Ireland should be deprived of these institutons, because the majority were Catholics. If they were told that these Catholics were hostile to England and to British connexion, they would point to the fact that the agitation of the repeal question had been dropped from the moment that Ireland possessed a Government disposed to do justice. Lord Mulgrave was what the hon. and learned Member for Bath had termed him—a lucky accident. His endeavours had as yet been unassisted by the Legislature; not one Irish question had been settled by Parliament; and yet the spirit which had been infused into the executive by Lord Mulgrave had produced both tranquillity and confidence. Of this the reports of the judges and of the assistant-barristers, afforded the best testimony. But in effecting this, the executive had been assisted by local associations, framed for the purpose of putting an end to prædial disturbance, by that very people which the noble Lord declared to be incapable of self-government. The people of England were perfectly competent to judge of these facts; and they would outweigh with them a thousand vague assertions Let the House do its duty, by rejecting the motion of the noble Lord—let it sanction the policy upon which the present Cabinet had staked its existence—and they might appeal to the country with the most perfect confidence that public opinion would ratify their decision.

Mr. *Maclean* said, if he had risen for the purpose of replying to the arguments of the hon. Gentleman who had just sat down he certainly should not have been called on to discharge a very difficult task, for he had listened to the hon. Member with some degree of attention, and could affirm that there was in his speech but one point of an argumentative character, but one question put in such a manner as to lead the House to believe that he desired an answer to it. That question was, "What did the Administration of the present day propose to do with the Protestant Church of Ireland?" But, although this subject had been fully investigated by men quite competent to the task, yet he felt that it was still the duty of English Members to show, however humbly, their sympathy with the minority in Ireland—of those who were about respectfully to approach that House with proofs that they were a suffering minority. The noble Lord at the head of the Government in that House, however, had lately quoted sentiments from an authority which, when mentioned in that House, invariably received the attention that was its due—sentiments which he urged on the House as those that would be the basis of this measure of Corporation Reform. The language which the noble Lord then quoted from a speech of Mr. Fox was such as must strike even the most unobservant person with no ordinary degree of alarm. The noble Lord then declared that in legislating for Ireland he would not betake himself to the theories of Blackstone or of Locke, but act upon the sentiments of Mr. Fox; that he would concede, and proceed with concession until he pleased the people of Ireland. Here was a groundwork that, if pushed to its full extent, would furnish matter of just alarm to the Protestants of Ireland and of the whole empire. But the noble Lord, in giving the observations of Mr. Fox, should at least have also let the House hear the answer made by Mr. Pitt, and the reply to that answer which Mr. Fox thought it necessary to give. Mr. Pitt, in his answer, regretted that the hon. Gentleman had, in the warmth of his feelings, broached doctrines of a mischievous tendency, and had let fall some incautious expressions. What was Mr. Fox's reply to this? He said:—"The Chancellor of the Exchequer had asked why he who moved the independence of the Irish Parliament in 1782 should now wish to exercise a controlling power over that Legislature? His answer was—in 1782 he was for giving the Irish nation what they asked because they thought it was best for them. In like manner he did not propose the measures which he had recommended on that evening because he approved of them, but because the people of Ireland desired them." But the noble Lord did not now say that he disapproved of the measure which he was about to introduce because it pleased the people of Ireland. Yet this was a part of the declaration of Mr. Fox, on the principle of which he was to base his Irish legislation. The noble Lord made no distinction between the circumstances of the time at which Mr. Fox spoke and the present. At that time there were two Legislatures in existence, acting independently of each other. Mr. Fox, indeed, was taunted with surrendering the independence of that Parliament which he had guaranteed in 1782. Mr. Fox was for that kind of concession which Roman Catholic Emancipation afterwards granted; and in that very debate he stated that there was an ecclesiastical establishment in Ireland too large for the actual wants of the people. All these circumstances, taken in connexion with the declaration of the noble Lord on a former evening, formed a ground-work sufficient to alarm those who saw in this measure not merely a reform of Municipal Corporations in Ireland, but rather that which the great leader of the Roman Catholics had declared to be its real object—the establishment of normal schools of agitation. He had good foundation for his assertion when he maintained the intimacy of the connexion of the Government with the hon. and learned Member for Kilkenny and his designs. That connexion and its nature had been over and over again asserted, and it had as often been denied; but had any man yet risen in his place in that House and denied the declaration made by the hon. and learned Member for Tipperary to his constituents in Ireland at the commencement of that connexion? This was the emphatic language used by the hon. Member on that occasion? "Accordingly we entered with them into a close alliance, and at the meeting at Lord Lichfield's formed that compact, and, I trust, indissoluble junction, by which so much has been effected." On what ground was this compact now said to be based? On the necessity for corporation reform. But was that the pretext then put forward; No. The stand was then to be made on the necessity for diminishing the Church Establishment in Ireland—that was the key-stone of the arch—that was the corner-stone, then, of the building they sought to destroy. But look at the declaration the hon. and Learned Member for Kilkenny made a short time ago at that Catholic Association, which received the patronage of one section of his Majesty's Ministers, and was repudiated by others. And here he would remark that it was rather peculiar that no answer had ever been given by the noble Lord to that very material question put by an hon. and learned Member on the Opposition side of the House—what the noble Lord intended to do with respect to the Association that had recently sprung up in Ireland? An answer had been given, it was true, but not by the noble Lord. When the noble Lord was told that the noble Viscount at the head of his Majesty's Government had said in another place that he knew of no sufficient cause for the existence of that Association the hon. Member for Middlesex started up, and said that if the noble Viscount had made any such declaration he had committed a great indiscretion. But, from that time to the present, the noble Lord opposite had given no answer whatever to the question so pertinently put by the hon. and learned Gentleman. The noble Lord had never yet said whether he intended to look at the existence of the Association as an offence against the laws and whether it did, or did not, come under the operation of the Act of 1792. Why did he and his Friends, basing their operations on the declarations of the hon. and learned Member for Kilkenny, say that the present question was virtually the Church question masked under that of corporate reform? The noble Lord had thought fit to rest his Government, not on that principle through which he came into power, after having overthrown the Government of the right hon. Baronet, the Member for Tamworth—not on that Bill which the hon. and learned Member for Tipperary declared was the ground work of the indissoluble compact and junction between his party and tha of the noble Lord opposite; but in the first week of the Session he came down to the House parading the Corporation Reform Bill, and took the opportunity of stating that he rested the existence of his Ministry upon it. Why did the noble Lord take this step? Because he very plainly saw that the majority with which he had originally come in on the Church question had very sensibly diminished; and that there was a probability that on this question of corporation reform—one that at the first glance wore a less objectionable aspect, and seemed founded on more plausible grounds — a greater number of votes would be found recorded on the Ministerial side when they came to a division. If this was the real and true explanation of recent events, and of the late change in the course of conduct adopted by the other side, then, were not they (the Opposition) justified in saying that it was the Irish Church question, and not that of the reform of municipal corporations, that ought to be discussed on this occasion? When the noble Lord entered into his general defence of the Administration in Ireland—when he told the House of the peculiar blessings granted to Ireland by the presence of Lord Mulgrave and the co-operation of the hon.

and learned Member for Kilkenny — he little anticipated the complete answer that was made by the hon. and learned Member for Bandon, or the strong array of facts by which that answer was substantiated. When the noble Lord taunted the Protestants of Ireland with having allowed weeks to elapse before they came to the Legislature for redress of their grievances he was asked to afford a tribunal before which the accusation could be carried; but he did not seem by any means inclined to give that tribunal. He and his Friends were taunted, forsooth, with the charge, that they took every opportunity to pour out the phials of their wrath and indignation on the hon. and learned Member for Kilkenny, because he chose to give his support to the Government. But the hon. and learned Member could not, at all events say that he had met with any treachery at their hands. What did his own Friends say of him? Let him bear in mind the words of the hon. and learned Member for Bath on the first night of the Session. Let him look at a publication which must be in the hands of every man, in which the most positive declarations were made as to his Parliamentary conduct, and as to the views professed by him on the subject of the Protestant Church. He alluded to the pamphlet recently published by a gentleman, lately a Member of that House (Mr. Feargus O'Connor) who said, "After the acceptance of the Lords of Corporate Reform I was sitting in the Westminster Club;' you arrived there, and I said, 'Well, you have sold us at last—you are as mere a Whig as any of them.' What was your reply? 'Hold your tongue, you fool; I only want the Whigs to do my dirty work, and then I'll kick them out, as I did the Tories.'" Had the political opponents of the hon. and learned Gentleman ever gone so far as this in declaring their opinion of him? Had they not carefully abstained from doing more than impugning his political conduct and views, and showing their practical effect in a legislative point of view? But Mr. Feargus O'Connor went on to show that he had communicated his views on the subject to another Gentleman, also a Member of the House, and that this Gentleman had concurred in them, thus proving that among the supporters of the hon. and learned Gentleman there had been communications on the subject of his political conduct. He further said—"Your conduct upon the measure is before the public, but, as all public men are public property, I shall give you the opinion of one of Ireland's best Members relative to your support of that measure. The Gentleman alluded to and I spoke the same night, and shortly after I had concluded we left the House together. At his request I accompanied him down Great George-street to the Park-gate, when he thus addressed me, 'Well, O'Connor, what are we to do with this man? Upon my soul, I have observed him of late, and he is ruining us and selling the country.'" Here were opinions from a quondam friend!—The community must put a construction upon these words also. I give them without note or comment, and am ready to mention who the patriot was." Here he thought was ample proof that in taking the course they had done, and in impugning the motives of the hon. and learned Gentleman, the supporters of the Protestant Establishment in Ireland had done that which their duty bound them to do; and also that they had something more than mere reasoning on probabilities to show that the support of the measure of corporate reform was only a stepping-stone towards upsetting the Church Establishment of Ireland. [The hon. and learned Member quoted the opinion of Mr. G. Cornwall Lewis, in a work on the disturbances in Ireland, published recently, to the effect that any modification merely of the Church Establishment in Ireland would be insufficient, for that the sole aim of the opponents of Protestantism in Ireland was the utter destruction and demolition of the Establishment.] Why, then, give to the supporters of such views the immense power that this Corporation Bill would confer? If they were now in a situation to be able to impede the progress of the payment of tithe, by sending out from the Association pacificators into each county, who paraded with armed bands, and maintained a perfect system of despotic authority for the attainment of their objects, was it not clear that when they acquired an additional fulcrum in these Corporations, leading, as they must do, to the extension of the Parliamentary franchise on a basis similar to the municipal elective franchise, the great aim and object of the hon. and learned Member for Kilkenny would have been attained, and these Corporations would become normal schools for the agitation of the ultimate question which he proposed as the result of his political exertions? Was he wrong in contrasting with these declarations and actions of the hon. and learned Gentleman the declarations made by himself and by the Roman Catholic hierarchy at a former crisis in their affairs? It could not have escaped the recollection of the House that in 1826 the Roman Catholic hierarchy had protested their desire not to attack by insidious means the Established Church in Ireland. At that time the Roman Catholic Bishops published a pastoral letter to their Clergy, to which the signature of "John M'Hale" was appended. That letter contained these expressions:—"The Catholics of Ireland, far from claiming any right or title to forfeited lands, resulting from any right, title, or interest which their ancestors may have had therein, declare upon oath, 'that they will defend, to the utmost of their power, the settlement and arrangement of property in this country, as established by the laws now in being.' They also 'disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment, for the purpose of substituting a Catholic Establishment in its stead.' And, further, they swear that they will not exercise any privilege to which they are or may be entitled to disturb and weaken the Protestant Religion and Protestant Government in Ireland." Here was a solemn abjuration and declaration by the Roman Catholic Bishops of Ireland. But what was their tone now as regarded the question of Corporation Reform and of the destruction of the Protestant Church in Ireland? He would for one moment turn to a letter written by one of their body—a letter that must be familiar to every Member of that House, one written in very striking language, and pointing out in the most unequivocal manner the views entertained by its writer, the rev. Gentleman from whose writings he had just quoted a passage, on the great questions now agitating the public mind. Let it not be forgotten that this was a letter from Dr. M'Hale, one of those who signed the previous abjuration, to the Bishop of Exeter—that rev. prelate who, but a few minutes ago, had come in for the vituperation the hon. Member for St. Alban's had thought proper to lavish upon him. Part of this letter ran thus:—"It is scarcely necessary to remark that, whilst I proclaim an unappeasable hostility to the Church Establishment, I entertain none whatever towards any individual for his honest religious opinions. * * * After all the evils it has heaped on this devoted land it is some consolation to reflect that the legislative axe is laid to the root of the Establishment. The pruners of the ecclesiastical vineyard have not read the Roman history in vain, and already ten of the lofty plants, which poisoned by their narcotic influence the wholesome vegetation, are laid low. This, doubtless, is a prelude to a further and more enlarged process of expurgation. With every successive measure of reform existing abuses will be removed, until, it is to be hoped, not a vestige of the mighty nuisance will remain. * * Witness your impotent attempt against Catholic Bishops assuming their ancient and hereditary titles. Think you they have any force in binding men's consciences? The Parliamentary Church may enjoy any temporary privileges which Parliament, without injury to the people, may confer. His Majesty's Bishops may surely enjoy all those lordly titles which his Majesty, the rich source of worldly titles, can bestow. I shall freely declare my own resolves. I have leased a small farm, just sufficient to qualify me for the exercise of the franchise, in order to assist my countrymen in returning those, and those alone, who will be their friends, instead of what their Representatives usually were, their bitterest enemies. I must therefore confess, that, after paying the landlord his rent, neither to parson, or proctor, or landlord, or agent, or any other individual, shall I consent to pay, in the shape of tithe or any other tax, a penny which shall go to the support of the greatest nuisance in this or any other country." He maintained, then, that the alarm felt on that side of the House was not unfounded. It was but a few evenings since, that the House had witnessed a proposition to drive the Bishops from the House of Lords. Was, or was not, that an attempt to disturb the Protestant Church as established by law? Had not the Bishops their right to sit in the House of Lords by virtue of their temporalities? Take away their temporalities, and you take away their right, but not till then. But hon. Gentlemen opposite might say, that they did not conceive that, in doing this, they were weakening the Protestant Church as established by law; yet the House had seen hon. Members voting against that motion, who would not be understood to wish to weaken the Protestant Church, but who did not scruple to support a measure which, by the declarations of some of its most powerful supporters, was to be looked upon as a mere stepping-stone to ulterior and more important measures. He had, however, another and a still more recent proof of the intentions of the hon. and learned Member for Kilkenny, as to the integrity and continued existence of the Protestant Established Church of Ireland. No later than the day before yesterday, a deputation had waited on that hon. and learned Gentleman, from the Radicals of Lambeth. Now, he must say, that on some points, and in some respects, he (Mr. Maclean) really had great respect for the Radicals. They were men entitled to this praise—that they went straightforward with their propositions. They did not mince matters. They were for at once fighting out the great contest between the principle of a democracy and that of a constitutional monarchy. They had held forth the language of, he sincerely believed, men honestly believing the principles and opinions they professed. They fairly told what they meant, and, so far, and for those qualities, he (Mr. Maclean) respected them. But when they (the Opposition) wished to bring to a fair and open contest the truth of their principles, there rushed in a third party—not agreeing with either—who effectually prevented both from ascertaining the real feeling of the people on the respective principles. They acted the part of the Sabine ladies. At one time they could not bear those with whom they were now in strict communion; but having once formed the connexion, they were ready to rush on the drawn swords of their opponents. What was the reply of the hon. and learned Gentleman to the Lambeth deputation? In his letter, dated Feb. 9th, 1837, would be found this passage:—"You state twelve points of the Radical creed. To prepare you to meet me, I will tell you how far I agree with, and where I differ from, you. 1. A truly reformed House of Commons.—I heartily agree. 2. Equal representation.—I agree. 3. Universal suffrage.—I agree. 4. Vote by ballot.—I agree. 5. Short Parliaments.—I agree. 6. No property qualification.—I agree. 7. A national system of education.—I agree. 8. Just taxation.—I agree. 9. No Established Church.—I agree." Now, was not this as solemn a declaration as that House could require, of the views entertained by the hon. and learned Gentleman on the subject of the Church Establishment in Ireland? By the expression "I agree," he must also be held to mean that he would use his exertions to procure those things which he thus showed his desire to attain. If the hon. and learned Gentleman would so openly urge such views here, where he was under some sort of control, how much the more would he do so where he was superior to all control? It was on a consideration of all these important declarations that he was of opinion, that these Municipal Corporations ought not to be placed under the influence of the hon. and learned Gentleman; for if the House did give him that vast power, if they did open those normal schools of agitation, they would furnish him with the means of attaining all those objects to which he did not scruple to declare all his political exertions pointed. He would appeal to the opinions which the noble Lord had expressed, not whilst speaking in that House, but when writing as a philosopher in his closet. In the noble Lord's treatise on the British Constitution, he stated, that in the concessions made to the Dissenters in the reign of William and Mary, the Roman Catholics were not included; and the same noble Lord further observed, that it was true that in the reigns of Elizabeth and James 1st, the Roman Catholics had sought for foreign assistance, had engaged in plots and assassinations, had struck at the root of British freedom and independence, and though he doubted whether the refusal of concession were wise, he fully acknowledged that it was just. With such admissions, he desired to know upon what principle, or by what maxim of prudence, could hon. Members defend that course of policy which went to place the Church Establishment in Ireland at the feet of the Roman Catholic hierarchy? There was a great demand, indeed, of "justice to Ireland." Now, if that meant equality in every respect, he admitted that, in some respects, they did not deal out equal justice to Ireland. For instance, in Ireland they were not called upon to pay assessed taxes. He admitted that when these taxes were laid on, Ireland might have bee taxed as much as she could bear; but since then the condition of Ireland had materially improved, and yet Ireland was not called on to bear the proportion of this species of taxation. At the same time the analogy which had been said to exist between the Municipal Corporations of England and those of Ireland, was not a just analogy. In England, the Corporations were much older, and the people possessed a much larger interest in them. The Corporations in Ireland were in some degree, he might almost say, a sort of citadel, for the protection of the Protestant interests. Those Corporations had continued to give to the Protestant interest the advantage of being adequately represented in Parliament. Now, these and other advantages they at that side of the House had agreed to surrender. He would also remind the House, that when it had been declared as the opinion of the House and of the Crown, that it was desirable that the Orange Society should cease, those hon. Members who were connected with that society came forward in the most honourable manner, and used every influence in their power to prevail on those societies to dissolve themselves, and their efforts were successful. Were not those instances to which he had referred, a proof of the disposition of those at that side of the House to make concessions? Emancipation was granted to the Irish people, and they were told that that measure would be sufficient to ensure the peace and tranquillity of Ireland. He need not say whether that measure had succeeded or not. The Irish agitators now came forward to ask for the establishment of normal schools of agitation in Ireland, and in that he and his Friends refused to concur. They were fighting the battle of the English people, but that was not the question on which the contest was to be finally decided. The people of England were anxious to resist any measure by which the interests of the Established Church in Ireland could be injured or compromised. That was the great question to be decided, and it was their duty to see that, neither by open nor insidious means, those great and important interests should be compromised. On a former occasion, the noble Lord (Lord John Russell) had said, that no false pride would prevent him from attempting to make a satisfactory settlement of that great question. He trusted, then, that the noble Lord would lose no time in bringing that question forward, in order that they might see how far the noble Lord was prepared to propose a satisfactory settlement of the question. He did not know, however, how far the influence of the hon. Member for Kilkenny might interfere with the noble Lord, in reference to that settlement which he appeared to desire so much. That hon. and learned Gentleman had made many promises an declarations, but it was unnecessary to say how far they had been realised. He had stated that this measure was necessary to the peace of Ireland, and that its rejection would lead to the most dangerous results. He would say, however, of the language of the hon. Member, "Sub risu lachrymas sub melle venenum." For the reasons he had stated, he felt bound to oppose this measure. No sufficient grounds had been stated in support of the plan now brought forward, and until he found arguments stronger and more sufficient than those on which the supporters of this measure relied, he felt bound to meet it with his most decided and strenuous opposition.

Mr. *Bellew* would feel very much obliged to the House if they would for a few minutes listen to the observations which he wished to make, and he assured them that he would not abuse their indulgence or trespass at any very unreasonable length upon their patience. The Catholic question was for forty years the great stumbling-block amongst statesmen in legislating for Ireland, and it appeared unfortunately that it was not yet removed, for let hon. Gentlemen disguise it as they might, the whole beginning and end of their argument amounted to this—"The people of Ireland are Catholic; we cannot, therefore, trust them with the management of local affairs; the people of England are Protestant, and they may be so trusted." For it must be borne in mind that it was not sought by any one to defend the present corporations, or to consider their total abolition as any injustice. The interests of the present Protestant corporators were most unceremoniously dealt with, just in the same way as were the Brunswick clubs at the time of emancipation. He regretted the more deeply that this feeling should continue to be mixed up with so many Irish questions, because he had the other night a most gratifying proof, when this feeling did not interfere, how anxious Gentlemen on all sides of the House were to unite in approbation of the Bill for the relief of the poor of Ireland; and there was no one who more warmly or more eloquently than the noble Lord, the Member for North Lancashire, bore testimony to the kindly feeling, and the naturally good and generous sentiments of the Irish people. From all he had ever heard of the character of that noble Lord as a landlord, the persons on his estates would be ungrateful indeed if they did not evince the warmest regard and personal attachment to him. He only regretted that the noble Lord should not have an equally good opinion of the higher class, who would become possessed of the franchise under the present Bill—a class having the advantages of education, of a more extended intercourse with their fellow-citizens, and in many instances being in a situation which gave them a positive interest in standing well with their fellow-townsmen of all ranks and persuasions. Indeed the manner in which the power intrusted to boards chosen under the 9th of Geo. 4th, for cleaning and lighting towns in Ireland had been exercised, was a practical proof that no partiality in the selection of persons, on religious grounds, was to be apprehended. In the only town in his county, namely, Dundalk, where a board of this kind existed, he would venture to say that no man of any party complained of the persons elected. He could not, for his part, understand how Gentlemen who opposed this Bill on the ground that the persons who would gain the chief benefit from it were Catholics could object on the same principle to a Bill for superseding all the magistracy of Ireland, nine-tenths of whom were Protestant, and vesting in the hands of Government the entire administration of justice in that country; for, much as they had heard of the abuse of power by the present Government, it seemed there were no objections to confiding to them all the additional power to be given under the present Bill. If religion and not fitness were to be the test for the depositaries of power in Ireland, and that such was the feeling on the part of Tories he had a right to assume from the fact that there was hardly a single instance of a Catholic having been promoted to office under a Tory Government, how, he asked, was it possible that any Government could be carried on without having one or other party enlisted in perpetual and irreconcileable hostility to it? Gentlemen were very fond, when it answered their purpose, of referring to the peculiar circumstances of Ireland. Now the peculiar circumstances of Ireland were, that there were 7,000,000 of Catholics and 700,000 Protestants. This peculiarity was never dwelt on when the Church was in question. As Mr. Cobbett observed once, " we talk of his Majesty's army and his Majesty's navy, but we never talk of his Majesty's debt—O, no, it is the national debt." The preponderance of Catholics, though a very strong reason against their being admitted to corporations, was none in the world against their paying tithes. Indeed, the proposed reform of the corporations was opposed lest it might ultimately interfere with the collection of tithes. It was opposed expressly on the ground of danger to the Irish Church. Legislation, in fact, as far as Ireland was concerned, must stand still because they had a Church Establishment. The same argument was used against Emancipation and the Reform Bill, and, in his opinion, with considerable show of justice. But how, after having conceded the principle of this Bill—as he maintained they had done, by the two measures which gave to the people of Ireland the power of returning a majority of Irish representatives to this House—they could think that they could for any time prevent a perfect equality in every respect between the two countries, appeared to him most extraordinary. When it was stated that the effect of the Bill at present before the House would be to confer power exclusively on Catholics, he was tempted to refer to a piece of evidence in the Irish Poor-law Report, as he thought it afforded a very good illustration of the ideas of exclusive power entertained by some persons. A witness of the name of Rowan, in the county Down, was asked if many persons would emigrate if a free passage were given? His answer was—" Several would, because their privileges are infringed upon as Protestants." The explanation of this turned out to be that, until lately, the Catholics got no leases, but the Protestants had good ones; but now the landlord took whoever paid the highest rent. Just in the same way as Mr. Rowan considered that the landlord who preferred the tenant who was most industrious, and who paid him the highest rent, was trenching upon his privileges as a Protestant, did hon. Gentlemen opposite seem to consider the present Bill as interfering with their rights. That it was intended by the Emancipation Bill to admit Catholics to corporations there could be no doubt, as there were special enactments in that Bill providing that the insignia of office belonging to the mayor or other officer should not be displayed at any house of worship, save that of the Established Church. But it was every day becoming more evident, and the late observations of the right hon. Baronet, the Member for Tamworth, left no doubt of the fact, that the Ministry who passed Emancipation only yielded to a dire and irresistible necessity, under the impression that the Catholics, having once obtained an equality in the eye of the law, would not in any way interfere with the practical working of the machine of Government, and with a fixed determination on their part to retain place and power in the hands that had hitherto possessed them. Now, the Catholics of Ireland by no means acquiesced in this plan; and if it were imagined that any Government, such as might be supposed to be formed by hon. Gentlemen opposite, could exist in this country in direct collision with a large majority of Irish representatives on a question altogether Irish, it was easy to foresee that Ireland would only add one more to the number of Ministries she had already broken up. The people of Ireland were never so united as at the present moment. They were never, considering their power, so reasonable in their demands. But in addition to all further incentives to resist a Tory rule, they had now the conviction, that the hon. Baronet, the Member for Tamworth, could not afford to act with forbearance, but must deliver himself up into the hands of the most uncompromising of the Orange party, and the rule of that party in Ireland would meet with a resistance so fixed, so decided, so temperate, but so powerful, that it would be impossible for any Government to contend with it. If the battle were to be fought, he rejoiced it was on such a question as the present; and he rejoiced the more when he contrasted the sentiments of Gentlemen opposite with those expressed by his Majesty's Ministers. After the full and clear statement made during the past week by the noble Lord, the Secretary for the Home Department, as to the line of policy pursued by his Majesty's Government with regard to Ireland, and after the unflinching determination expressed by that noble Lord to continue to carry on the Government on the same principles, he could not, as an Irish Member, refuse himself the gratification of bearing his humble testimony to the blessings produced by Lord Mulgrave's government, and of expressing the debt of gratitude which he, in common with nine-tenths of his countrymen, felt to that noble Lord, and the noble Lord, the Secretary for Ireland, for the good they had already effected. Gentlemen opposite might express what opinion they thought fit; but this he fearlessly stated, that this was the first Government considered by the great majority of the Irish people as identified with their interests, and in whose administration of justice they had confidence;—by that majority recollect who returned sixty-three Members to this House, and who would increase that number on the first opportunity. The present Government, it was true, had not as yet been able to dry up the springs of discontent, but the waters of bitterness had been stopped in their course. They had prepared the mind of the Irish people for good laws by the manner in which they had administered the existing ones. They had done more to attach Ireland to British connexion in two years than had been achieved by their predecessors in the course of their whole lives; and by placing their tenure of office on the fate of the present Bill, they had shown, that as they came into power on the principle of doing justice to Ireland, they were determined not to retain it one hour after they were unable to carry that principle into effect.

Mr. *John Young* wished to state briefly his own view of the question. As an independent man he had hoped that parties, after engaging in the warmest opposition, might have made mutual concessions, and arranged this, as they had frequently done other questions, on the solid basis of the public good. Such a consummation seemed hopeless, and he regretted that this would but add another to the melancholy instances how difficult it was to legislate for Ireland, a country where every private interest was permitted to interfere with public interests, and where the heads and hearts of both parties were heated not merely by political but by religious enthusiasm. There were objections which had given great umbrage to the opposite side of the House, in which, as a Protestant Irish Member, he thought it his duty to say he did not participate. It had been urged that the corporations would be filled by Roman

Catholics hostile to British interests, and disinclined to British connexion. At first it was probable violent political partizans would fill all the offices; subsequently he hoped they would settle in the hands of the merchants and traders—bodies little likely to be influenced by religious enthusiasm, whose feelings and attachment would in all probability follow their positive and material interests. As to the question mooted by the hon. Member for St. Alban's, whether the granting or denying these corporations would cause a transfer of political power in Ireland, that should form no ingredient in the consideration of this question. Parties in that country would find their own level, and send proportionate numbers of Representatives to that House, but it ought not to be dragged in or affect the question under discussion. What most surprised him was, the undue importance given to the corporations, and the eagerness of the demand for them. Formerly they might have been useful and necessary. They implied the protection of the King or of some powerful Lord, and were a defence against feudal rapacity and unjust aggression. The consciousness which they gave the townsmen that they could not be individually despoiled of their possessions, inspired an industry and perseverance which all subsequent assaults were unable to daunt or overcome. But such defences are no longer wanting. The power of the law, backed by public opinion, has long ago stopped those excesses which prevailed in ruder ages. These institutions, therefore, though so vehemently demanded, were out of date, and ill-suited to the temper or the exigencies of these times: while, it must be admitted, all the ends and advantages of self-government could be as well and more cheaply attained by the means pointed out in the noble Lord's amendment. The violence with which they were sought begot suspicion and alarm in the minds of the Protestants of Ireland. They knew not to what uses they were to be turned, or how they might be injured by these new engines, if once set in motion. The Member for Kilkenny declared openly, "Give me Corporations, and I will do anything." What were the minority to conclude? They knew his vast powers of perverting measures to his own purpose; they saw that progress of knowledge and improvement, which had taken place in England and made reforms safe, had not attained equal extent in Ireland—and they saw themselves surrounded by multitudes so blinded by prejudice, and so credulous from ignorance, as to receive the most palpable absurdities, and to suffer themselves to be blindly guided by leaders so little scrupulous as to counsel them in the readiest and safest modes of eluding or breaking the very laws which they had themselves been lately engaged in framing. Under such circumstances the apprehensions of the Protestants were well founded, and their resistance just and reasonable. The hon. Member for St. Alban's talked of strengthening the hands of Government. He did not know how the hon. Member proposed to effect that object; but undoubtedly the weakness of the Government was one of the great mischiefs of Ireland. The difficulties in the way of an adjustment of the question had been greatly added to by the unfortunate position of the Government, which, instead of softening down animosities, and holding a balance between contending factions, had, on all occasions, been obliged to come forward as the advocate and champion of one party, on which it relied for its very existence. While, therefore, they called themselves Liberals, and loudly professed their principles to be the right of freedom as to opinion, and security from persecution, what was taking place under their rule in Ireland?—what freedom of opinion could the Protestant elector exercise? What security from persecution was enjoyed by the Protestant clergyman? He did not blame the Government for their attention to the wishes and demands of the Roman Catholics; their numbers, their rapidly increasing wealth, their intelligence, must enforce the attention of any and every statesman. But if this attention were exclusive—if Government as they had lately done, selected only the more violent and hot-headed even of that party, the consequence must be uncompromising resistance from the Protestants and Presbyterians—a resistance, he would say, to which at any other conjuncture, and in quieter times, neither their wishes nor their principles inclined them—necessity compelled them to it—by it they might not ensure ultimate success, but they had all the chances of delay in their favour. They would earn the respect of their opponents—teach them not to count on a light and easy triumph—and on other occasions, and probably even on the present, wring from them fairer terms and a more honourable compromise than they seemed willing to offer.

Mr. *Charles Buller* observed, that, although he had already risen once and had not been fortunate in catching the Speaker's eye, he was rather glad it had happened so, as it had afforded him an opportunity of listening to two speeches from Gentlemen on opposite sides of the House — speeches which, temperate in themselves, had this very remarkable novelty in their favour, that they spoke to the question before the House. The hon. and learned Gentleman who had preceded the last two hon. Members had taken a very different course. He had found apparently so little to grapple with in the speech of the hon. Member for St. Alban's, that he had been obliged to recur to the first speech of the noble Lord on bringing this question forward the other night, and to a speech made by Mr. Fox forty or fifty years ago, for materials for his speech. The noble Lord the other night had certainly made one quotation from Fox which had evidently made a very deep impression upon the hon. and learned Gentleman and other hon. Gentlemen on the other side of the House. It was where the great orator spoke of a "miserable monopolizing minority," a description perfectly true in itself, very personal, and moreover very alliterative. This it was which had evidently galled hon. Gentlemen opposite no little. For his own part, however, he did wonder very much whether it would be possible at any time to carry on a discussion on this subject without endless references to policemen and magistrates, whom under other circumstances they would never have heard of—eternal allusions to the Catholic Association, and interminable extracts from all the speeches delivered by the hon. and learned Member for Kilkenny, at public dinners for the last fifteen or twenty years. Above all, he was anxious to know whether it would ever be feasible for hon. Gentlemen to conduct such an argument without constantly using taunting allusions to the hon. and learned Gentleman, and the subserviency of his Majesty's Ministers to him—themes which he had himself heard repeated ten thousand times on a moderate calculation, and which, therefore, might well be supposed to have worked all the effect upon the human mind which could possibly be expected from them. The hon. and learned Member for Kilkenny, he admitted, said many things at different times which he ought not to have said. It was very wrong; but he would ask, had hon. Gentlemen opposite always been so very careful at Conservative festivals not to commit themselves in any way of the like kind. But he would go further. He would concede the charge that Ministers were playing into the hands of the hon. and learned Member for Kilkenny;—he would admit all this, and then he would ask what had it to do with the question, whether they should grant free municipal institutions to the people of Ireland. We are shallow legislators, continued the hon. and learned Member, if we devise our schemes of government without taking into account the invariable disposition in human nature to attempt the perversion of all great institutions to the purposes of personal aggrandisement, and the profit of party; if we apprehend this evil from this O'Connell alone, and dream that, if he were to die, no other O'Connell would ever again rise to trouble us; and if we do not so shape the institutions which we give to the Irish people as to secure them from something more than the factions of a day, or the ambition of a single individual. What matters it, then, what the designs of the hon. and learned Member are, or what he avows? We want not what you call confessions, but what I regard as boasts, to set us on our guard against a danger which we ought to apprehend, if not from the hon. and learned Member, from somebody else. It is our business to take care, that neither he nor any one else shall be able to turn to evil ends the institutions which we purpose to erect for the behoof of millions and of ages. I could have much wished, Sir, that it had been possible to discuss this great question free, not only from personalities, but also from all considerations of a party or a temporary nature. I do not know whether I shall get many persons to go along with me in my estimate of the importance of this question, but I do not hesitate to say that, in my opinion, these questions respecting the municipal institutions of a country are the most interesting which a Legislature is called on to consider in the present day. The more experience that I derive from the study either of books or of the events which are passing around us, the more deeply am I convinced, that the government of the parish or the town is the most important feature in the general government of the state; and equally strong and daily strengthening is my conviction, that whatever may be the best species of national constitution, there can be no doubt that the most complete democracy is the only rational principle of municipal institutions; that be your central Government monarchical or oligarchical or republican, the real guarantee for the progress of mankind in civilization, and order and freedom, in moral elevation, and in material prosperity, is to be found in the adoption of local self-government. I am much inclined to think, that I am right in these views when I observe the tendency towards similar opinions which strikes me as very apparent in the most profound of modern speculations, either in the history of past times or the institutions of existing nations. Not only do the labours of learned scholars, in lifting up the veil that conceals from us the mechanism of ancient policy, show us the greatness of the Roman empire contemporaneous with the wise system, which left the Government of every provincial city to the magistrates elected by the inhabitants, and the whole fabric of that empire crumbling into dust from the hour in which the central tyranny invaded the municipal rights of self-government, and substituted the nominee of the emperor for the freely elected magistrate of the people; not only do we find these municipal democracies the last fastnesses of liberty and knowledge during the dark reign of feudal barbarism, and order and civilization re-asserting their dominion just as events secured a greater development to the freedom of the towns; but when a philosopher endeavours to deduce a theory of government from the institutions of existing nations, when a De Tocqueville seeks to read the future fortunes of mankind in the spirit of democracy, I find his admirable work pervaded by this one idea of the importance of municipal self-government; and I find him tracing the proud pre-eminence in freedom and order exhibited by the English race living under a monarchy in Europe, and living under a republic in America, to their common habits and common institutions of local self-government. But I do not think that this is a matter in which we are left to the vague inferences which may be drawn from such experience either of the past or of the present. We do not merely see that such admirable effects have been produced, but I think we may see why they must have been produced. I think it stands to reason that if you want to provide for the vigorous undertaking of local works, and a careful provision for local wants, you should leave the localities as much as possible to shift for themselves. Teach the people that if they want roads made or streets paved, if they want to have their towns lighted, or watched, or drained, they must see and do it themselves, and experience teaches us that they will do it better than any one else will do it for them. Trust to the same principle for an efficient police: if a theft or a murder be committed, let the locality catch the thief or murderer as they can; and I will be bound they will catch him sooner than any one else can. This is the first great advantage of local self-government, that by making every locality dependent on its own energy for provision for its own wants, it stimulates the activity and keeps alive the watchfulness of the inhabitants, and thus secures the best provision for those local wants—the best discharge of municipal functions. Then, again, there is the great advantage, that by giving a town some voice in the election of its own judicial officers and magistrates you make the people a party to the administration of justice, and enlist the sympathies of every man in behalf of law and order, as part of his own business. I cannot but think it an inestimable auxiliary advantage that this municipal republic forms a most admirable apprenticeship for the higher electoral duties of the people; that it accustoms them to choose among their neighbours those who are most able and upright, and naturally to look for guidance in political matters to the man of whose good management of their local affairs they have had a close experience; that it teaches the habits of mutual forbearance and concession, so necessary in political matters; and that by multiplying the questions daily discussed in a community, it has a tendency to create many parties, and consequently to prevent the division of the whole people into two great and irreconcileable factions; and that by affording a sufficient arena for local emulation, it saves the state from many an ambition which would otherwise agitate it, and consolidates the power of the people, by placing in its gift not merely the lofty prizes of national, but the cheaper objects of municipal, distinction. I hope the House will excuse me for having taken a course of argument always rather unpopular in such an assembly, and for having apparently gone into a description of the abstract policy of municipal self-government, instead of confining myself to its applicability to Ireland. I have done so because I think it shortens my argument; because, if I am right in my estimate of the general advantages of free municipal government, I may now with confidence ask, what country in the world stands more in need than Ireland of the vivifying and humanizing influence of institutions? I know no country in the world which wants more than Ireland the stimulus to its industrial energies, the vigilant watch over its local management, which municipal self-government would give. I know no country in which it is so necessary to do something to rally public sympathies around the laws, and make the preservation of order and the administration of justice a part of the business of the people. And perhaps the most important consideration of all is one which Gentlemen on the other side seem always inclined to forget in these discussions, namely, that Ireland has a representative Government; that rave as you may at the mode in which the Irish people, in a great majority of instances, exercise their franchise, no sane man can dream of depriving them of it; that this, therefore, is a fact of which you cannot get rid, but to which you must confine your policy; that you must, in short, educate the Irish people for the exercise of political rights. Now, it is because I think that the Bill introduced by his Majesty's Ministers, imperfect as it is in some respects, is founded on the principle of local self-government, and because I think it will produce these beneficial effects that I have been enumerating, that I give it my most hearty support, and think that its adoption would be a great and permanent guarantee for the future happiness of Ireland. The counter plan of the noble Lord differs wholly from this plan, and proposes to substitute for corporations elected by the people the choice of the Crown, as far as the magistracy, the police, the administration of justice, and the management of the local funds raised for these purposes are concerned, and the division of the rest of the municipal functions among boards of commissioners chosen for the purposes of paving, lighting, draining and watching. The first part of this plan seems to me to require little discussion. It is a simple adoption of the worst kind of centralisation, of which we have seen the melancholy results in the feeble and enfeebling system of local management which has for the last forty years existed in France. A system so contrary to our national habits and the whole spirit of our institutions will hardly be adopted in a period in which we have ample and satisfactory testimony of the mischief which it has done in every country in which, for the misfortune of its inhabitants, it has been allowed to prevail. There is some plausibility in the proposal, of the noble Lord for subdividing municipal functions, and intrusting the different departments to commissioners; but the great objection to this is, that such subdivision will produce apathy among electors, and get an inferior class of men to take on themselves the management of local affairs. Collect all these powers together and put them in the hands of somebody; let the same people superintend all the details of municipal government, manage the finances, administer justice, and direct police; and the wielding all these powers will be an object of ambition sufficient to tempt persons of property and intelligence to compete for these offices, and excite the interest of people as to the election for them. But subdivide these functions and place them in separate hands, and the mere single business of lighting, or paving, or draining, will possess no temptation for any persons of education; and these powers, will pass into the hands of an inferior class of men. I should say that, as far as I know anything of the personal history of these bodies, experience fully justifies these apprehensions; and that generally speaking the persons who compose these local boards are not so high a class of persons as those who compose corporations wherever freely elected. But next, as to these sweeping deductions from fact, which are what Gentlemen opposite dignify by the title of experience. First, that Birmingham and Manchester have swelled into enormous towns without corporations under the management of these boards; and hence we are asked to infer that such a system of municipal government is calculated to promote prosperity. Now this is one of the usual arguments by which the great prosperity of this country is always urged to defend every abuse in it. It is rather too much to say that because the absence of a mayor has not neutralised all the advantages of coal, and the rule of boards has not driven capital and industry from the spot to which nature invited them, that therefore you are to take all the institutions of these towns as models for municipal government. There have been larger towns than these; greater masses of human beings congregated together in the ancient cities of Africa; and Gentlemen ought in consistency, to call upon us to adopt municipal governments like those of Babylon or Timbuctoo. You must analyse these matters most narrowly; must not be content with the general state of towns, but examine particularly their condition as to matters which come immediately under the influence of municipal government; and you cannot settle the question by urging one narrow objection to our plan. The great argument is, not because Irish are Irish, but because the majority are Catholics; that the effect will be, to take the tyranny out of the hands of one faction and give it to the other. This is the lot of all free governments; and cannot be otherwise until some one finds out a third form of government besides that of the majority governing the minority, or that of the minority governing the majority. I know no other; and while this is the case I must make up my mind to the majority ruling the minority, as far the least of two evils. You think to avoid it by giving power to central government; but have we not had experience enough of Ireland to convince us that the King's Government there always must be the Government of party; that the castle always governs by one party or the other; that the only difference is, that the present Ministry govern by the Liberal majority, and that the Tories have always governed, and would always govern, by the Orange minority. Between two parties I prefer that of the majority. I have no doubt that the first use Catholics will make of power will be to exclude from all local authority those who have hitherto so shamefully monopolised and abused it. They will do no more. The central Government, this House, and the Executive, will prevent their exercising any active tyranny over the minority; and if all that happens is, that the Orange leaders are excluded from office in all the towns of Catholic Ireland, this will be a temporary, and consequently an insignificant, evil. If I thought that the placing these powers in the hands of the people would lead to a perpetuation of the horrible party divisions of Ireland, and cause the exclusion of the Protestants from municipal office for ever, I should not look on this change with any complacency. I see in the noble Lord's plan no means for the extinction of the present party, or rather sectarian, divisions; on the contrary, it would, by keeping alive the hopes of the minority, have some tendency to strengthen them. But in the complete triumph of the people I see a security for the extinction of those party feelings; and I believe that the establishment of municipal self-government would most powerfully promote this desirable end, by casting men into new local parties without reference to religious opinions. In the first place, I have no doubt all Orangemen would be excluded, and very few Protestants be admitted into the council. But do you suppose the Catholic majority would keep together, and not quarrel with each other about various questions of municipal government? One part of the majority would support this street, the other that; one would prefer Mr. A. for mayor, the other would think the town could be saved by no one but Mr. B. In these squabbles of the majority the Protestant electors would find their interests or feelings ranging them also on different sides: they would become merged in the supporters of one or the other local question, or this or that local leader. Take away the present monopoly, the attack and defence of which keep Catholics and Protestants separated, each being united to oppose the other, and I don't believe it possible for them to stand the dissolvent effects of the agitation of local questions. Nothing, I believe, prevents so effectually the continuance or growth of great parties as the giving opportunities for the formation of several small parties, by making every matter of local government a subject of discussion among the people. It is said the plan of the Government will increase the influence of the priests and demagogues, but I know not the country in which it has not proved fatal to the influence of a priesthood. Nor do I believe it would increase the power of a demagogue. It would create several sources of agitation, but thereby diminish the intensity of heat now collected into one focus. I think, with Gentlemen, that the influence of the priesthood, particularly of the Catholic priesthood, is an evil, and that the immense influence which the hon. and learned Member for Kilkenny enjoys is one which no one desires to see in any well-ordered state. And this is why I call for freely-elected corporations in every town in Ireland, because I think that human wit has never devised a more effectual counterpoise to the absorbing influence of a party leader, or a more potent barrier against the encroachments of the priesthood. But the ground on which the right hon. Baronet, the Member for Tamworth, has rested his opposition to the measure proposed by Ministers is a simple, and, without meaning any offence to any other Gentleman, is, I believe, the real ground on which it is resisted. With the general effects of different forms of municipal government, he seems to trouble himself very little. He asks but one question—"What effect will the establishment of these popular bodies have on the Irish Church?" He imagines a prejudicial effect; and therefore he refuses to establish them, because, in his opinion, every other consideration must be sacrificed to the maintenance of that Church. He believes that whatever power you put into the hands of the Irish people, it will be used to rid them of that Church; and in order, therefore, to maintain the Church, he insists on debarring the people from any voice in the arrangement of their local affairs. I rejoice to hear the right hon. Baronet avow such a principle of government. I have always been an undisguised enemy of the existence of the Irish Church Establishment. I have never dissembled the horror with which I have always regarded it as the most revolting profanation of all that is venerable in Christianity, and the most odious perversion of all that is useful in the principle of a church establishment. I rejoice, therefore, to hear the right hon. Baronet compelled to make an avowal calculated to set that establishment in so odious a light; and to convince the public not only of the general aversion of the Irish people for that church, but of the fact that, in order to keep it up it is necessary to deprive Ireland of almost every institution, which you think necessary for good government in Great Britain. This is the real mischief of that church. Its mere existence has indeed been a dreadful evil. It has been a constant insult to the great mass of the community, a constant cause of irritation, a perversion of a great national fund to the miserable purposes of a sect and a faction, and an obstacle to the endowment of the national religion in the country in the world which, perhaps, more than any other, wants the connexion of the State with the Church of the people. But the observant mind can discover indirect effects far worse than these. For in order to maintain this institution in defiance of the hostility of the nation, you have been obliged to pervert every other institution of the country, and the train of auxiliary grievances has been far worse than the one which they have been summoned to aid. It is for the maintenance of the church that the administration of justice has been corrupted—it is for that turbulence and disorder have been deliberately encouraged—it is for that the local mal-administration of the finances is allowed—it is for that, above all, that the Irish people have been as long and as much as possible deprived of the free exercise of the elective franchise. But the connexion between these evils and the existence of the Establishment was what it required some reflection to trace. In this case we are spared the trouble of that proof. It is confessed, and every man who sees that Ireland is deprived of that municipal government which has been established as the best for Scotland and for England, sees also, that that privation is a consequence of the existence of the Church Establishment. I do not quarrel with the premises of this reasoning. I believe that the existence of the Establishment is incompatible with the existence of good municipal or any other good institutions in Ireland. Rest your case on that alternative, and I believe the people of England will not hesitate any long time in coming to the conclusion that this is no argument against corporation reform, but a very strong one in favour of church reform; and that it proves the paramount necessity of abating that institution, which is confessed to be incompatible with every free institution, every opportunity allowed for the expression of the national feelings of the Irish. And now, let me ask the right hon. Gentleman whether he is prepared to carry into effect the principle which he has thus laid down? I should be glad to know how he is to carry on the government of Ireland on such a principle; and I am glad he has adopted the principle, because I am convinced he will find it more difficult to manage Ireland in that way than in any other. His Majesty's Government have given an intelligent and distinct plan. They have spoken out, and declared that come what may, they will give municipal corporations to the Irish people. They have staked their existence as a Government on that point, and by that they stand or fall. This is honest and patriotic conduct. I am glad the noble Lord has taken up such a position, and applaud him for adopting such large views. I can understand the conduct of the noble Lord, but I cannot understand equally well the position taken by the right hon. Baronet. By what system of Irish policy is he to stand or fall? I hope the Irish people will resist any Government framed on his principle. My approbation of their conduct will depend on nothing but their success, and they may rest assured that if they oppose such a Government, they will meet with the sympathy of every liberal mind in the civilised world. It was before such a resistance the mind of the Duke of Wellington quailed. That noble Duke said he would not hazard a civil war. Let me ask the right hon. Baronet if he is prepared to do so? I wish to say nothing offensive to the right hon. Gentleman; on the contrary, I speak of him always with feelings of respect; and here I cannot avoid adverting to the charges brought against him for the part which he took in the settlement of the Catholic question. I wholly overlook the old and obsolete charge of apostacy—I blame him not for changing from the wrong to the right course; but I blame him for remaining so long immoveable—I blame him for coming in on the shoulders of the mob on the no-popery cry—for having adopted this means to defeat a political rival; and, when in power, for having abandoned those principles to which he had so long adhered, and which had fixed him in office. Now, I ask, if that is not the course which he must now pursue? I fear the atrocities that might be committed in this country in a civil war for the Established Church of Ireland. I believe the right hon. Baronet has not well considered his course. He changed on the Catholic question. Is he prepared now to pursue precisely a similar plan? I have not the slightest apprehension as to the result. The measure will be carried either by the present Government or by the right hon. Baronet. There may be a temporary delay, but carried it will be. Whatever might be said of the bigotry, it could never be such as to make the people of England say, "Cost what it may, they will keep up the Irish Church, and all the misgovernment which it entails on the people of Ireland." The people of England are a cautious, thinking people, and if it is your purpose to give full effect to the system on the principle laid down by Gentlemen on the opposite side, you will find you have no reason to congratulate yourselves on being supported by a portion of the people of this country.

Mr. *Borthwick* denied the validity of the argument founded by the hon. Gentleman who had just sat down on what had been formerly done by the hon. Baronet, the Member for Tamworth. The question was not what might have been done by that hon. Baronet on a previous occasion, but what it was wise and expedient to do at the present moment. For his own part, he should much like to see the position of both parties in that House such as to render necessary an appeal to the people that very night on the measure brought forward by his Majesty's Ministers, and he was ready fearlessly to stand by the result. He might ask what there was in the present condition of Ireland which called for the application of municipal corporations to that country? he might, even if he admitted that those corporations were as corrupt as was asserted by their greatest enemies, ask what remedy for such corruption could be found in putting power into the hands of an opposite and contending faction, and bringing into annual collision all the prejudices and partisanship of the country? he might ask whether, it being at present difficult to maintain legal rights in Ireland without bloodshed, to do so would not be attended with infinitely more difficulty amidst the general hostility and disturbance which the new municipal law must occasion? But he wished to place the question upon that proper basis on which, from its first agitation to the present hour, it had not hitherto been placed. The supporters of this Bill demanded justice for Ireland. He was quite ready to admit that as much justice should be done to Ireland as to

England and Scotland. Nay, he would go further, and allow that Ireland had precisely the same relations to the Crown and to Government as England and Scotland had. But he then asked, have you done justice to England? Have you done justice to Scotland? Has that which you have done for England and for Scotland been advantageous? He was one of those who had in that House entered their protest against the English Municipal Reform Bill. He was one of those who had objected not only to the details, but to the principle, of that measure. He was one of those who had contended that the ostensible object of that measure, the popular control of corporation funds, was not its real object, which was to serve for a time the cause of a political faction. He had told the House *in prospectu* what would be the consequences of the English Municipal Reform Bill; he would now state what had been its consequences. The borough which he had the honour to represent could not be purchased by Treasury gold. A nobleman of the highest respectability, with reference both to his public and to his private character, and backed by all the influence of the Treasury, had been sent down to that borough, but the constituency had rejected him, and, with the independence which they would always maintain, had returned an hon. and gallant Gentleman, who would do honour to their choice. When the English Municipal Reform Bill was in progress, that borough intrusted to his care a petition against its principle. He would now show how well-founded were their anticipations respecting it. It appeared, then, that whereas the borough of Evesham had been taxed only 80*l.* a year under the ancient, corrupt, and Tory system of municipal government — that whereas while under that system local and cheap justice was brought to the door of the inhabitants—and that whereas four had been the average number of criminal cases in the borough in the course of the year, the borough was now taxed by the new Bill to the amount of 600*l.* per annum, and crimes had increased in the proportion of five to one. The cause of the latter evil was obvious. A man tempted to the commission of crime was deterred by the knowledge that if detected he would be tried next week, or next month, with the eyes of all his friends and relations upon him; but became reckless when he knew that his trial would take place at a remoter period, at a distance from his home, and in a place where there were no persons whose frown or approbation had any moral influence over him. Whenever he met his constituents, they demanded a repeal of the Municipal Reform Act as it referred to them. They were groaning under what the Gentlemen opposite called "justice to England." Ought not the House to pause then when the same justice was required for Ireland. It had been alleged by the hon. Member for Liskeard, against those who thought with him (Mr. Borthwick) on this subject, that they wished to defend the Protestant Church in Ireland. He willingly admitted, that if all he saw in this measure was dangerous to the Protestant Church in Ireland, on that foundation alone he would be prepared to resist it. He had, however, shown that it was to be deprecated on other grounds. To him, however, it was perfectly evident that the ultimate effect of the measure would be to destroy the Protestant Church in Ireland, and to destroy divine truth in that country. When the noble Lord who had moved the instruction to the Committee had said he wished to strengthen the root of the Protestant tree in Ireland, what was he to think of the denunciations against the Protestant Church in Ireland by the hon. Member for Liskeard, but that contrary elements, contending passions, conflicting opinions, opposing interests were all brought into play, not for national, but for party objects? Another hon. Member, who professed the Roman Catholic religion, expressed his dislike to the Protestant establishment because it was, in his opinion, an unhallowed union between the Church and the State. He said this! he! who submitted to the authority of the Pope as a temporal king, and was governed spiritually by a college of anointed priests! It was right to strip the question of all the adventitious circumstances with which an attempt had been made to obscure it. So exposed, it was simply a question of democracy against monarchy —of infidelity (and that not individual, but national infidelity) against religion. For the reasons which he had stated, and not because he agreed in the policy of the noble Lord opposite, he should vote with the noble Lord who opened the debate by moving the instruction to the Committee.

Mr. *Poulter* said, that he was as fully prepared as any hon. Member on the other side of the House to resist to the utmost any attack that might be made on the sound heart and substance of the Protestant Church of Ireland; but he did think, that the claim of that country to municipal institutions was unanswerable. He regretted to hear the same course of argument adopted, as had been used in the last Session of Parliament. It is contended, that because the mere business of the towns in Ireland could be got through and transacted without corporations, that these were unnecessary; and, on other grounds, that they were dangerous. He thought the claim of Ireland consisted in the right of the people to manage their own concerns, by their own local administrations. This right he regarded as intimately connected with the national spirit of a country, ultra the mere proceedings to be done and performed. The habits of business produced by these institutions were a part of the education of a people—which education, in a comprehensive view of it, went far beyond the mere period of youth. He would ask, what would the people of Liverpool, Bristol, and Exeter say, if they were told that they were to be deprived of their corporations, and that their towns might be most perfectly lighted, watched, and paved, without them? No power of Government could deprive them of these institutions, which were bound up with the distinctive excellence of the British character, as contrasted with that of any foreign nation. The King may appoint a Minister—that Minister may possess a most extensive power—but neither the King nor his Minister can nominate a mayor, or create a town-councillor. This appeared to him to be the true nature of the claim, which had received no answer from the proposition of the noble Lord who moved the instruction in opposition to the Bill of his Majesty's Ministers. The hon. Member observed, that this proposition to give up the old close corporations of Ireland, was one which carried with it no political grace whatever. At what time were these abandoned? Precisely at that moment when it was no longer possible to retain them. The offer itself was one of necessity, and gave no political instruction or guide whatsoever. There was the greatest fallacy, even in the mode of making it. It was said in 1835, that the time was arrived to give up the close corporations of England—in 1836, that the time was arrived to give up the Irish close corporations. He (Mr. Poulter) asserted that if that were true, it was equally true that the time had arrived at any antecedent period that might be named. If Lord Bacon were alive, he would have ranked this in his classification of fallacies—he would have said, "When statesmen who have conducted a Government on a contracted system, find themselves reduced to submit to a new order of things, whenever they are obliged to consent to any measure of a beneficial kind, they will always assert that the time is arrived for the measure in question, implying thereby, that the time had not arrived till the moment of their concession. This will be said for the purpose of convening and protecting the old system, and of endeavouring to reconcile the old with the new, the two being utterly irreconcileable." Lord Bacon would have used some such language as this, and would have called this fallacy "*fallacia temporis*." The fallacy being entirely contained in the matter of time. The hon. Member would not charge any one with being responsible for the old system in this country. He believed that the right hon. Baronet opposite to him had been as much controlled by it as any one on his side of the House; but if from motives even of honour, this sort of fallacy was to be adopted to protect the character of former Governments, it was impossible for any talent whatever to sustain it.

The hon. Member then observed, that on this night, as well as on a former, strong reflections had been made upon certain resolutions which had been passed at a public meeting in Dublin, and these resolutions had been contrasted and compared by the right hon. Baronet, the Member for Cumberland, with the oath taken by certain Members of this House, and the inference had been drawn of a violation of that oath. The hon. Member declared that no man more deeply than himself deplored, or more strongly protested against these resolutions than he did: but when he heard them relied upon as amounting to the violation of the oath, he felt bound to apply to this subject his most serious consideration. The great body of reflecting men had, he contended, finally determined that the King's coronation oath could not be extended to any legislative matter without the most inconvenient consequences. He felt quite clear that a similar principle of construction as to things in *pari materiâ* ought to be applied to the Catholic oath, and that legislative matters do not fall within the purview or scope of it. He thought it was wholly impossible to have a right understanding of this oath, without superadding to the words, "as settled by law," these further words, "or to be hereafter so settled or established," and with this opinion, the sentiments of Lord Somers, and of Pollexfen, as expressed in the debate in 1688, on the coronation oath, completely coincided. Lord Somers observed, "It is said, that by this we are going about to alter the constitution of the church. Though the constitution be as good as possible for the present time, none can be good at all times. Therefore I am for the word 'may,' and that will be a remedy at all times." Pollexfen thought with Lord Somers. "We are all agreed, and I hope ever shall be, to the Protestant religion established by law. We desire to consider whether the latter words shall be added or not. I see no manner of reason against it; we all agree in substance, but if, by the wisdom of the nation, it shall be thought fit to alter, we are at liberty to do it. No man that maintains the law, but maintains the whole legislature, which alters and redresses the law, from time to time, as there is occasion." Now, as the resolutions in question did not appeal to physical force, or to a civil war, and, however objectionable in their tone and spirit, contemplated nothing but a legislative recognition, they could not constitute a violation of that oath to which the right hon. Baronet, the Member for Cumberland, had referred. The hon. Member then said that the Gentlemen opposite always dwelt upon the extreme opinions of certain hon. Members from Ireland, to the entire exclusion of the only real and just issue, and upon these extremes they rested their whole political case before the people of England. He fully admitted these extremes, and would resist them to the last, but must insist that this was a most unfair and delusive course. He could not fail to make great allowance for hon. Members, writhing under the recollections of the long misgovernment of Ireland, possessing warm imaginations, and a powerful eloquence, however much he regretted the errors into which they had been betrayed. He could not expect, in a state of great public excitement, to be able to say to the fluctuations of the human mind, any more than to the fluctuations of the ocean, "Thus far shall ye go, and no further." The extreme opinions which had so unfortunately been propounded might have been most surely foreseen and anticipated—however much he lamented them, however sincerely he believed that they did the greatest injury to the righteous cause of good government—they created in his mind no surprise whatever. But the hon. Gentlemen opposite had made the most powerful use of these extremes. They knew the tenderness of the English mind on the sacred subject of their religion. They knew how easily plausible delusions might be imposed upon the people on such a subject. He (Mr. Poulter) could almost forgive them. They must have been more than mortal men had they resisted the enormous temptation of advancing so powerfully their great political interests, by working upon the honest feelings and simplicity of the people. The hon. Member said, it is still a rule of British law—it was once a rule of British society, that every man or set of men were responsible solely for their own actions, their own principles, and their own measure. Genhlseon-e .This ru th tlemen opposite had utterly violated and trampled upon. They had been raising throughout the country, at every public meeting of their party, without exception, the most false and immaterial issues. They had reviled and reproached the most honest and conscientious men. They had attempted to fasten upon the Government and upon the conscientious supporters of the Government, the violent and unjustifiable conduct and language of other persons. If the hon. Gentlemen were in earnest, and meant to act with sincerity, they would bring to trial the only real issue that affected the justice of the case, and that issue was this, whether, if they passed this Bill as due to the just claims of the Irish people, they would not find an immense majority of the House of Commons against allowing it to be used as a stepping-stone to ulterior attacks upon the sound heart and substance of the Protestant Church of Ireland honestly and religiously distributed. Against the lamentable doctrine of "instalments," so unfortunately agitated in Ireland—against the destructive principle of the wedge—and against that delusive cry, which, in spite of the vast and important changes which have taken place, and are now going forward in every department of the state and of legislation, is always ready to exclaim, That "nothing at all has been done in the great cause of reform"—

Actum, inquit nihil est; ni Pœno milite portas
Frangimus, et mediâ vexillum pono suburra.

The hon. Member said, "Bring us to trial; bring your reproaches and assertions to that proof which lies within your own power;" and, in using the expression "us," he begged to disclaim pretending to have any authority to speak of the Government, or of other Members; but, although he stood alone and unconnected, feeling that he was speaking both honestly and conscientiously, he thought it would be an insult to others not to use the larger term. The hon. Member finally declared, that if hon. Gentlemen opposite would, by passing this Bill, and by coming to some just settlement of the Irish Church, bring him and those who thought with him to that fair trial which was due to the perfect purity of all their political intentions, they would prove to all mankind, that if they were attached to the great system of national improvement, if they felt bound to come up fully and freely to that most important line which separates rational improvement from spoliation, they were as determined never to transgress it; that they would maintain even to the death the supremacy of the laws, the high principles of public peace and public order, and the absolute and legitimate security of every description of property.

Mr. *Emerson Tennent* said, that in the few observations which he meant to offer on this measure, and upon the general condition of Ireland, he did not propose to adopt the recommendation of the hon. Member for Liskeard (Mr. C. Buller), that he should omit from the consideration of the question all reference to the Government, and to the state of public feeling in the country. He did not mean for the amusement of that hon. Gentleman, to enact the part of Hamlet without the court and Ophelia. He was desirous to justify himself from the charges which had been made against him and those with whom he acted by the hon. Members for St. Alban's, and the county of Louth. The hon. Member for St. Alban's had imputed to them religious intolerance, in refusing to establish further municipal power, for no other reason than that the more numerous body of Roman Catholics ought to have this power; and the hon. Member for Louth had accused them of heaping an insult on Ireland, because they refused to place the towns on an equal footing with those of England and Wales. He was desirous, before alluding more particularly to the main provisions of this Bill, and to the objects embraced in the instruction which had just been moved by the noble Lord, the Member for South Lancashire, to justify himself and those with whom he had the honour to concur in opinion, and to act in conjunction upon this question, from the charges which had been perseveringly made against them by those who differed from the course pursued by the minority of the House in reference to it. It had been imputed to them that they were actuated by a spirit of capricious bigotry and of religious intolerance, in withholding municipal power from the inhabitants of the towns in Ireland, for no other reason than because the majority of them were Roman Catholics; and they had been charged with offering a deliberate insult to the people of that country, in opposing the measure, inasmuch as it was said that they thus declared them to be unworthy of being intrusted with equal powers of self-government with the rest of the empire—with England and Scotland. Each of these allegations he (Mr. Emerson Tennent) most distinctly and positively denied. In the first place, he denied that, so far as Protestants were concerned, since the passing of the Relief Act of 1829, the mere fact of religion, unconnected with other considerations, had been regarded, either in an individual or a class, as any ground of exclusion from civil rights of any description whatever. He wished he could extend this disclaimer to every other sect and denomination; but it was idle to attempt to deny, that whilst identity of religion amongst Protestants had no further influence than as a bond of Christian communion, the religion of the Roman Catholic church had become in Ireland a mysterious symbol of association which unite its professors in one compact union for the attainment of every object, secular as well as sacred. Men of other persuasions, whilst they concurred in opinion on the subject of religion, felt themselves at liberty to exercise their individual judgment upon other matters, and to take opposite sides upon political questions. But amongst the Roman Catholics in Ireland an instance was so rare as to be almost unknown of persons dissenting from the sentiments of the general body, or adopting a course different from that of the majority. The profession of that religion had thus become the ostensible symbol, if not the affiliating tie, of a great political body; and it was this body to whom they were opposed;—not from the accident of their religion, as had been warily asserted for a well-understood purpose, but from the political power which they wielded and the political objects at which they grasped; and the imputation that in opposing this measure they had been influenced by any bigotted hostility to the Roman Catholic church, was but the wily artifice of those who, when detected in political intolerance, would screen themselves behind the shield of religious freedom. Equally unfounded was the other assertion that in the course which they had pursued they had refused to intrust the people of Ireland with the power of administering their own local affairs. The very first clause of the instruction which had that night been moved by the noble Lord went to effect the abolition of those monopolies by which the people of Ireland had been for centuries excluded from all participation in municipal government. And the substitute which he proposed to adopt, namely, the principles and provisions of the Municipal Act, the 9th Geo. 4th., actually afforded a wider and more popular basis of self-government than was provided by the clauses of the Bill now under the consideration of the House. He would earnestly entreat the attention of hon. Members, and more especially of English Members, to this important fact. He knew that there were many hon. Gentlemen, and some of them on his own side of the House, who voted against him on that measure, under (he would say it with all possible respect) an erroneous impression, and an imperfect understanding of its objects and effect—under the impression that they were about to abolish institutions which had been found beneficial for municipal purposes in England, and which they were told could be rendered equally so in Ireland, and that they were about to offer no adequate substitute to supply their place, or to perform their functions. The tenor of that debate would, he trusted, satisfysuch that these institutions are not, in their essence and constitution, suitable to the present state of society in Ireland. And as to the substitute which was recommended in the 9th Geo. 4th, so far from excluding the people of Ireland from the power of self government, its basis was—he would repeat it—so ample and so popular, that there was not a decent householder in Ireland on whom it would not confer a vote and a voice, in every department of his municipal affairs, and in the election of his authorities and officers who were to have the assessment and expenditure of his local taxation. He did not speak on this point merely from theory, but from experience; he stated this as the Representative of the most important commercial town in Ireland (Belfast), which had actually discarded its own corporate system for the purpose of adopting in its local acts the principles of the 9th Geo. 4th, and was now governed on the very principles recommended for universal adoption throughout the other towns of Ireland by the noble Lord, the Member for South Lancashire. It might perhaps be considered no trifling proof of the popular character and provisions for self-government conferred by it, that it was not only suggested in the present Bill for the adoption of the town councils of Ireland, but in the Bill of last year it was made compulsory on twenty towns to adopt it instead of a corporation, and left it discretionary with eighteen others. And during the last summer it had actually been adopted of their own accord, and by the common consent of all parties, in some of the most thriving and important towns in the north of Ireland. In the present Bill it was not only proposed to alter the constitution of all the existing corporations, but to confer new charters of incorporation on all such towns in Ireland as might desire it With this offer open to them, with the choice actually proposed to them between a popularised corporation and the system suggested by the noble Lord, four of the principle towns in Ulster had, within the last four months, made choice of the latter, and adopted the 9th of Geo. 4th, Ballymena, with its population of 5,000 or 6,000 inhabitants, was one of them; Dromore, in the county of Down, was another; Lisburn, one of the most rising and prosperous towns in Ireland, had followed the example; and Carrickfergus, one of the principal corporate towns in the schedule to this Bill, had actually superseded its present corporation, rejected the new one proposed to it, and made choice instead of the simple and efficient provisions of the 9th of Geo. 4th. With facts and examples such as these before them, he trusted that hon. Members would see the falsehood and injustice of the assertion that Gentlemen on that side of the House were desirous of persecuting the religion of the Roman Catholics, or of depriving the people of Ireland of their rights of self-government in their municipal affairs. To the course which had been followed by the noble Lord, the Member for South Lancashire, and his supporters on the present occasion and during the last Session of Parliament, he gave his most cordial support, because he believed it to lead to an efficient, a business-like, and a peaceful system for the government of towns in Ireland; and he had resisted the principle of this measure, because he believed that the corporate constitution which it proposed to establish was unsuited to the habits and the wants of the people, and would prove pernicious to the peace and prosperity of the country. He had seen too much of the state of public feeling in Ireland to be blind to the fact, that the people of that country, having never been accustomed to these cumbrous and complicated machines for the government of these towns, did not understand, and did not wish for them,—and that they were forced upon them by those whose intention it was to use them as instruments for the promotion of dangerous political objects. He had seen sufficient of the state of Ireland to know that the partial clamour which had been got up on this subject was the result of laborious and not very successful agitation, and that the feelings of the people had only been kept alive upon the subject by associating with it the more exciting and intelligible topics of the abolition of tithes, and the destruction of the Protestant Establishment. The hon. and learned Member for Kilkenny had threatened them last year, that in the event of the refusal of corporate reform on their own terms, Ireland, from its utmost extremities, should resound with the indignant demands of an insulted and high-minded people, and that the table of the House should totter under the petitions which would pour upon it from every outraged hamlet and parish. He would ask where was the accomplishment of that threat? Where were those mountains of indignant petitions? The only visible result from the rejection of the Bill of last year was the establishment of the National Association in Dublin, which they were informed sprung from the rejection of the measure of last year, and was designed to promote the accomplishment of this. This being the case, he would appeal even to the records of that very Association, and he would inquire what proportion of their time and their deliberations had been devoted to this charter-question of their institution? So far as their proceedings had reached the eye of the public, they were altogether engrossed by the discussion of poor-laws and tithes, or taken up with the quarrels and reconciliations of their hon. Members, whilst the one great object of their foundation was utterly abandoned and forgotten. Having introduced the name of that Association, he would here make the only observation with which it was his intention to trouble the House regarding it; he meant with reference to the relative proportion of Protestants and Roman Catholics of which its Members are composed. It had been stated as a matter of congratulation on the opposite side of the House, that it was formed of persons of every persuasion and from every quarter of Ireland, and the hon. Member for Kilkenny, if he recollected aright, had mentioned that one third of its Members were Protestants. Now, what was the fact? The Association comprised, in January last, 2,946 members, of whom only 263 were Protestants, and of these 84 were Englishmen and members of the corporation of London; whilst of the remaining Roman Catholics upwards of 600 were bishops and clergy of the Church of Rome, making an average of nearly three Roman Catholic priests for one Protestant layman who had joined it. He wished to draw no inference from this fact as to the objects of the Association on other matters, but on this question of Municipal Corporations they had utterly failed to create the excitement or to produce the agitation which they expected. He could state with confidence that this question had no real hold of the minds of the people of Ireland, and that, except for factious and political purposes, they were indifferent to its fate. They dreaded the fearful expense which corporations must entail; they had heard of them only in the tale of their abuses and corruptions; they had never known them as institutions of utility and advantage, and they had never derived from them, nor did they expect it, one single iota of advantage. The very report of the commission which formed the groundwork of this measure had stated them to be unpopular and suspected in Ireland; injurious in some instances, useless in others, and in all insufficient and inadequate to the purposes of such institutions; and yet it was these injurious, useless, insufficient, and inadequate bodies that the present measure proposed to restore and to re-establish, in preference to substituting for them a system as proposed by the noble Lord, so efficient as to be adequate to all their useful purposes, and, at the same time, so simple as to be obnoxious to none of their abuses and corruptions. But the question which had been opened up to the House by the noble Lord had been not so much that of the obvious advantages which the people of Ireland may derive from the course which he had recommended, as that of the disastrous consequences which, in the present disorganised condition of that country, might be expected to result from the adoption of a measure such as that which had been introduced by the noble Lord, the Secretary of State for the Home Department. In alluding to that topic, it was impossible to avoid adverting to the causes which had tended, if not to produce, at least to aggravate that unhappy condition of society; and amongst the most prominent of these must unfortunately he regarded the conduct of the present Government in that country, more especially as regards their abuse of the prerogative and patronage which had been intrusted to them by the Crown. In endeavouring to follow and to support the noble Lord in the statement which he had made, and in following up those charges which a noble Lord (Morpeth) boasted on a former occasion that he had invited, courted, and compelled upon this head, he was far from being inspired by any hope that any exposure or censure, much less any argument or expostulation, could have any salutary influence upon those who profited by the present melancholy condition of that country, or those who had lent themselves as the means and instruments of producing it; but he did rely on the effect of an appeal to the Representatives of England, and upon a statement of grievances and misgovernment, which, if they did not excite commiseration for Ireland, could not fail at least to create alarm and apprehension for themselves. The most obvious and the most alarming of those grievances, because the most immediate and the most perilous in its effects upon the safety of property, and the security of society, was the abuse of the prerogative of mercy by the Lord-Lieutenant of Ireland; and frightful as had been the exposure already made to the country of the conduct of that noble Lord in this particular, he felt satisfied that before he resumed his seat he would satisfy the House that they were as yet in comparative ignorance either of the enormity or the extent of these excesses. It would be but wasting the time of the House to allude either to the equitable principles on which this prerogative should be based, or upon those cautious and constitutional guards by which its exercise should be vigilantly restrained; and equally idle would it be to waste words in the demonstration of that which must be obvious to every man of ordinary judgment, namely, the encouragement to crime, the impediments to justice, the contempt of the law, and the general demoralisation which must ensue where this great prerogative of the Crown is wielded as it had been in Ireland, without any regard to the nature of the crime, the feelings of the criminal, or the circumstances of the offence, but solely for the purpose of attaining a bad popularity by an unwise and unjust exhibition of clemency to the unworthy. From the numerous cases which had been forwarded to him from Ireland, from persons whose feelings had been outraged, and whose wrongs had been insulted by this dangerous practice, he would not trouble the House with more than a very few, in order to shew rather the character than extent of these unconstitutional proceedings. He held in his hand the facts of a case which had recently occurred in the county of Louth, to the particulars of which he would beg the attention of the House. At the summer assizes of Dundalk last year, a case was tried before the Chief Justice of the King's Bench, in which a criminal information was filed by a person called Benison against another named Magrath, for sending him a challenge and posting him as a coward. Several aggravating circumstances were adduced in evidence against Magrath, who had stated, it appeared, that he had come from Liverpool to shoot Benison, and had been practising with pistols on the voyage with that intention. A conviction ensued, and the defendant Magrath refused either to apologise for his conduct or to pay the costs of the action, a refusal which he repeated when brought before the court for judgment in the Michaelmas term following; nor would he offer, as it was competent for him to do, a single affidavit or plea in mitigation of his offence. The deliberate judgment of the whole court, including the Chief Justice Bushe, Judge Burton, and Judges Perrin and Crampton, was a sentence of one month's imprisonment, and 50*l.* fine, with bail to keep the peace. But a very few days afterwards the fine was remitted and the prisoner liberated by the Lord-Lieutenant at the interference, it was stated, of the hon. Baronet, who is Member for the county, and set at large to laugh at the Court of King's Bench, and its farce of justice. Now if there ever was a case which on the very surface repudiated the exercise of the merciful prerogative of the Crown, here was one. Here was an instance in which the criminal avows, before his offence, his intention to commit it, refuses after its attempted perpetration one syllable of apology, offers in its defence no one sentence of regret or palliation; and this determined offender, on the sole interference of his political patron, is at once relieved from the punishment of his fault, assigned after mature deliberation by the assembled judges of the first criminal tribunal in the land. What must be the impression which such an interference of power must make upon the ignorant and the discontented, but that the sentence of that court was tyrannical and unnecessarily cruel, when it is thus unceremoniously abrogated and set aside by the arbitrary interference of the Lord-Lieutenant? Above all, what must be the feelings of the prosecutor in such a case, when after a series of persecutions and alarms endured from the defendant, after all the costs and anxiety of bringing him to justice, he sees the protection of the court of law withdrawn from him by the sole act of the Lord-Lieutenant, and his persecutor again let loose to harass and maltreat him? He (Mr. E. Tennent) would mention to the House but one other case of this character, which had within the last few days been communicated to him by parties whose knowledge of the facts left no doubt upon his mind of their general accuracy. For a series of years Mr. William Armstrong, of Roxborough, in the county of Armagh, was seriously injured and annoyed by various depredations and outrages committed on his property, such as destroying young plantations, digging down of ditches, pulling down gates and piers, turning up potatoes, serving of Rockite notices on the tenants not to pay their rent at the usual time, waylaying three stewards, &c. &c.; and for five years every effort to detect the offenders was unavailing, although a reward of 250*l.* was one time offered, and other large sums afterwards. On the 28th of June, 1831, the sounding of horns on the tops of the hills announced that some movement was intended, which was represented by some of the country people who came up to the house as a crowd going to Fortrhill, four miles distant, to tear down Dr. Campbell's house and church. In the morning, however, the truth came out, and fifty perches of a very expensive ditch made by Mr. Armstrong was levelled to the ground. On the night of the 19th of September, 1834, the entire crop of oats in stack in four fields was carried away. As soon as Mr. Armstrong heard of this he got search warrants, and found the corn in the farm yards of three persons in the neighbourhood, one of whom was father to a priest. These men were committed to Armagh gaol, and tried at the spring assizes in 1835, convicted and sentenced. The priest's father having confessed, was imprisoned for three months, and the others twelve and fifteen months. These precautions cost Mr. Armstrong much time and money, and he hoped that the example would have served to obtain peace for him. However, in the summer of 1835 Lord Mulgrave made his tour to the north-east of Ireland, and visited Armagh gaol. Without any investigation of the facts, or consulting any one except Turner, the gaoler, he ordered these men to be liberated on the spot. There was no memorial in this case, nor did his Excellency ever ask the names of the prisoners. Cases like these are not a mere realisation of justice—they are an aggravation of crime. The suffering party is not only adding injury to injury by incurring the toil and the cost of a prosecution which is to end in the immunity of the guilty party, but the criminal himself is encouraged to the commission of offences; since even the dread of detection is overcome by the certainty of impunity. The noble Lord, the Secretary of State for the Home Department, had alluded on a former evening to the practice introduced by the late Attorney-General for Ireland by which the Crown prosecutors were prohibited from exercising the right of setting aside jurors in criminal cases. Of the pernicious effects of this regulation his learned Friend the hon. Member for Bandon (Mr. Jackson) had given on a former occasion a remarkable instance in the case of the murderers of Carter, in the Queen's county. But he held in his hand the details of a case which was, if possible, more atrocious in point of crime than even the case of the murderers of Carter, and more reprehensible as regarded the conduct of the Irish Government. And that the result of that regulation had been to defeat the administration of justice and the execution of the law, by enabling the prisoner to reduce his jury to the number who were favourable to himself, whilst it prohibited the Crown from objecting to or removing a single individual, even with the knowledge of his disposition to obstruct the course of justice, no illustration could be more convincing than the case which he was about to submit to the House. In the case of the King *v.* M'Carran and others, three men were tried at the Monaghan assizes for the murder of a Protestant, whose offence was his having become tenant to a farm from which a Roman Catholic had been previously ejected by his landlord. The murder was accompanied by circumstances the most barbarous and deliberate; it was perpetrated in the noon-day, and close by a bog in which several hundred persons were working at the time, but who afforded no assistance to the wretched victim. The prisoners were tried three several times; the defence was the usual Irish expedient of an *alibi*, to which they had abundance of witnesses to swear, and each time the jury separated without coming to a verdict. What in this case was the conduct of the Government? Did they suspend the order which had been issued for abstaining from exercising the right to set aside jurors who were known to be obstructing the course of the law? No. But even supposing that for the sake of the uniformity of practice or any other similar consideration, they abstained from doing so, did they resort to any other expedient within their power, and remove the trial to the King's Bench, where they would have been certain of an uninfluenced jury and an unbiassed decision? Instead of doing this, they made terms with the homicides; they compromised the murder, and permitted the perpetrators to emigrate to America on consideration of their consenting to a plea of guilty of manslaughter, thus inducing the wretches to admit that they had thrice suborned a host of perjured witnesses to prove, by an *alibi*, the non-commission of a crime which they were then content to plead guilty under the technical quibble of a name; and the murderers who, but for the order of the Attorney-General, would have expiated their guilt by their lives, were permitted, by the compromise of the Crown, to retire as emigrants to America. He (Mr. E. Tennent) would not go further into these details of individual cases, though he was prepared with others of equal importance, and attended with circumstances of equal aggravation and injustice. But he would come at once to a statement with regard to the extent to which these proceedings of the Lord-Lieutenant had been carried, which he confessed, from its magnitude and startling results, he felt almost reluctant to offer to the House. From the sources which he (Mr. E. Tennent) had drawn the information, he felt authorised in saying that he placed the most implicit reliance on its authenticity and truth; but if the facts which it disclosed be incorrect, the returns which had been recently moved for by his hon. Friend, the Member for Bandon, would serve at once to rectify the error, if such there be. The House was not, he was sure, even after the disclosures which had been already made, prepared to hear the extraordinary announcement, that out of eighty convicted criminals since July last, no less than 420 had been discharged by Lord Mulgrave upon his own individual authority, and without a reference to a judge. And his information likewise authorised him to add, that for several of these the official orders for discharge had not even yet been made out or dispatched from the Castle, although the gaols were delivered and the criminals at liberty. With regard to this Bill, he would ask, with facts such as these before them, whether there be evidence of such a healthy tone of society as could warrant them in increasing the democratic power of the people, or of such a safe and well-regulated system of Government as to authorise us to augment the present patronage of their rulers? That Bill, like every other measure of the present Administration, was so framed as to add in an unprecedented degree to the number of offices of emolument already in the gift of the Irish executive. The law appointments which it would place at their disposal would be immense: recorders for every borough who adopted their corporate system, and chose to have a separate court of quarter session, and stipendiary magistrates for every corporation, who were to be barristers of ten years' standing, and eligible by the sole fiat of the Lord-Lieutenant, together with a number of minor legal appointments, such as revising barristers for the registration of burgesses, and other simular functionaries. Now, looking at the facts which had recently been made public connected with the legal patronage of the present Irish Government, he would ask, was it judicious to think of increasing that patronage of which they had already exhibited so improper an exercise in their appointments of assistant-barristers and others? The noble Lord opposite (John Russell) had declared a few nights back that only one complaint had reached him with regard to their appointment, namely, the case which he alluded to of Mr. Gibson. He (Mr. E. Tennent) was not surprised to hear that assertion of the noble Lord. It only served to prove what might have been surmised from the tone of confidence in which he provoked a discussion relative to the state of Ireland, that he was but imperfectly informed of the real progress of events which were at present occurring in that country. But unfortunately the case of Mr. Gibson was far from being a solitary one; and the commissioning of Mr. Hudson to Carlow—of Mr. Berwick, who had been actually engaged in the notorious manufacture of the Cold-blow-lane voters, who were enfranchised out of gooseberry bushes—of Mr. Kane and of Mr. Fogarty — were but too forcible attestations that such appointments were not casual but systematic, and that a peculiar predilection in politics was the indispensable qualification of the individuals who were to preside over the inferior tribunals of justice, and to superintend the creation of every elective constituency in Ireland. With regard to their proceedings in the latter capacity, the appointment of the Committee which had recently been named to inquire into the creation of fictitious voters under this extraordinary system, would afford an ample opportunity for thorough and searching investigation, and he should only observe upon it now, that should the learned gentleman, who had recently been appointed, continue much longer in office in Ireland, the result of their exertions must inevitably be the utter destruction of the principles of the Reform Act, the 10*l.* franchise, which had already been well nigh annihilated by their indiscriminate admission of 7*l.* and 8*l.*, and in some instances, to his own knowledge, of 5*l.* householders to register; and that motions would be rendered superfluous in the House for universal suffrage, for there would not be an individual in Ireland with a roof over his head, who would not be speedily invested with the franchise. But connected with this subject, the consideration of which was more appropriate to this discussion, was the effect which such exhibitions of legal incompetency and political partisanships must have made upon the minds of the people as regarded the tribunals of justice over which these barristers presided, and which had been emphatically pronounced to be "the poor man's courts of law." The Government seem to forget that whilst they are converting them into powerful expedients for political ascendancy, they are destroying their utility for the wholesome administration of justice. With what confidence could an individual who had been either deprived of a franchise to which he was entitled, or who had been unfairly invested with it—with what confidence could he resort for civil redress to a tribunal which had so lately proved to be tainted with political partiality? And such he knew to be the popular feeling in Ireland at the present moment, and that men go away dissatisfied and suspicious from the decree of a court in civil concerns, which in political matters they have attested to be unsound. Nor is this feeling confined to the lower orders alone, or restricted to the inferior courts of justice in Ireland. The experience of the last two years had served to convince the people of Ireland generally, that their legal appointments had been made, not with a view to the employment of the most competent, or for the benefit of the public, but for the securing of political supporters and the providing for political partisans. It is a remarkable fact, that the Irish bar contained at the present moment a greater number of men of talent and of eminence, of matured experience and of unsullied integrity, than ever before graced it at any one former period. He referred to such men as Warren and Pennefather, Blackburne and Smith Bennet, Brewster and Green, and a host of others—men whose profound and intimate knowledge of their profession would do honour to any court of justice in the world. How must it strike the intelligent and discerning portion of the Irish public, to see crowds of such men as these absolutely cast into the shade, and forgotten in neglect whilst their juniors, men whose names were for the first time heard of when they appear in *The Gazette* as the officers of the Government, were raised over their heads, and installed in every place of distinction or emolument? He was prepared to be told, that the men whom he had named differed so widely in politics from the present Administration, that their employment was impossible. But where, then, he would ask, were the Liberals of eminence at the Irish bar—the Holmes, and the Currys, and the Blakes, who had all their lives been emancipators and Reformers? The reason was obvious; though Liberals, they were not partisans, and whilst their occupation in their profession incapacitated them from active services as agitators, their juniors who had less business and more leisure became the active agents of the movement, and were of course entitled to promotion for their exertions. These were the men who, without talent to recommend them, or experience to entitle them to the confidence of the public, had been "pitch-forked" into every conceivable office, whilst the country has been deprived of the services of men who were their superiors in rank, in intelligence, in knowledge of the law, in every thing, in short, but subserviency and vociferation; and these are the men whom, if this Bill should pass, they should find appointed as the recorders and police magistrates of every Corporation in Ireland. As an illustration of this abuse of legal patronage in other departments, he would allude, but to one example, and that was the case of the Accountant-General of the Court of Chancery in Ireland, which was recently vacant in consequence of the death of a Mr. Boyd, if he remembered aright. This was a situation requiring much experience, as well as singular accuracy, and systematic acquaintance with its duties. And on whom was it bestowed? On a mere youth, a barrister of almost no standing, and a person whose abilities were, till then at least unknown. And what was the secret of his appointment? He was the brother of Mr. Barrington, an eminent Liberal, of whose character no one could speak without respect, but who was as eminent for political influence as for his personal integrity; but this was not the worst of the story. Mr. Barrington had a competitor for the office, a gentleman, named Davis, who had for thirty long years fulfilled its duties as a subordinate officer with zeal and efficiency, and unimpeachable honour. Mr. Davis's claim was supported by all the parties who were really interested—by the masters in Chancery; by the governor and directors of the Bank of Ireland, with whom he had been and would still be in daily communication; and by a memorial from six hundred solicitors, who were the frequenters and clients of the accountant's office. But all was alike in vain. His patrons were not in power; his thirty years' services had not been political, and they went for nothing —" perierunt tempora longi servitii." The claims of the old and faithful servant were overlooked and rejected, and the schoolboy lawyer was installed in the important office, because he was the brother of the liberal solicitor, and the protegé of those who shared the influence, if not the emoluments of office, with the Government. One other illustration of the partial bestowal of patronage in Ireland, and he would dismiss the subject. The noble Lord, the Secretary of State for the Home Department, alluded on a recent occasion to the arrangements introduced by Mr. O'Loghlen, when Attorney-General, for appointing Crown prosecutors to conduct the criminal business at sessions in Ireland. Here, then, was a notable instance, and on a large scale, for the exhibition of a magnanimous impartiality in the selection of such a host of functionaries for every county in Ireland. And what proportion did the House suppose that the Protestants bore to the Roman Catholics in the appointments which were thus filled up. Of the thirty-two individuals appointed, no less than twenty-eight were of the favoured religion. Accident, or a determination not to make any inquiry into religion, might induce the appointment of a number of Roman Catholics in some instances; nor did he, in his heart, believe that religion would be a cause of objection on the part of the Protestants, were the individuals competent to the offices to which they might be appointed; but so vast a proportion as this could scarcely be considered the consequence of an accident, and would require something more than a simple denial to convince him that it was not the result of a cool and deliberate religious partisanship. And here, connected with this question of partisan patronage in Ireland, there was a circumstance of somewhat a personal nature as regarded himself, and which he would beg the indulgence of the House for one moment to allude to. In referring on a recent public occasion at Glasgow, to the partiality which, in all their appointments, the present Irish administration had exhibited for Roman Catholics, he made use of the words that Mr. O'Connell had himself declared—"that the dominant party would prefer the worst Papist in Ireland to the best Protestant in the kingdom," and that the conduct of the Government had, in every instance, corroborated the assertion. To this statement the learned Member took an opportunity of giving an early denial, by declaring to his constituents, in that style of polished courtesy which is so peculiarly his own, that it was "a lie—a Tory lie." So far as any personal feeling could be excited, he regarded this expression, coming from such a quarter, with perfect indifference, either as impugning his own veracity, or as affecting that of Mr. O'Connell. But as he did not consider it compatible with the honour or the character of that House, that one of its Members should, in the face of his constituents and the country, stigmatise another with the brand of unqualified falsehood, and that no explanation should be offered, he was now prepared to vindicate himself from the charge, by producing his authority for the time, the place, the occasion, and the person to whom the learned Member made use of the very words which he had attributed to him, and which he (Mr. O'Connell) thought proper to deny. The words which he used were as he stated before—that Mr. O'Connell had expressly declared that the dominant party in Ireland would prefer "the worst Papist to the best Protestant." In the work which he held in his hand, and which contained the letters addressed by Mr. Feargus O'Connor to Mr. O'Connell, at the twenty-fourth page occurs the following circumstantial and, till he quoted it on the occasion referred to, uncontradicted narrative:—"The only man who had your support upon the contest in 1832, and who was not a repealer, was the Gentleman who was returned with me for the county Cork; the fact of your supporting him struck me as being very strange; and when talking with you upon the subject at the October assizes of Cork, I asked you, how you supported Mr. Barry, who refused to pledge himself upon the repeal question, that being your great test. The conversation was in the court-house, and your reply was, 'Because the people will vote for him, as he will have the priests.' I assured you that such was not the case; that the priests were repealers to a man, and they wanted another repealer; you observed that he was a Catholic, and that the priests would support him upon that account; to which I replied, that I was a Protestant, and they much preferred me. 'No,' said you, 'they'd rather have the worst Papist than the best Protestant.'" This statement of Mr. O'Connor was his (Mr. E. Tennent's) authority for the words he had quoted from it; and whether it was a "lie," or a "Tory lie," he now left to the further adjustment of that hon. Gentleman and the learned Member for Kilkenny. He had to apologise to the House for the length at which he had unwillingly intruded upon their attention; but the grounds on which he objected to the introduction of this measure in the present unhappy and anomalous condition of Ireland were so broad, that he found it impossible to bring his observations within a narrower space. He could not sit down, however, without expressing a feeling of regret that although such ample details had been laid before the House of the state of that country, so much still remained unnoticed and untouched. It is impossible for those who are not living and in habits of associating with the people of Ireland, to conceive the deep and widely-spreading feeling of alarm with which they are at present inspired, or to imagine the myriad of galling circumstances, trifling perhaps individually, and too trivial to be related on an occasion such as this, but all portions of a whole, and contributing to swell the general aggregate of disorganisation and discontent. For years back we have had continually ringing in our ears the cry that Ireland had been ruled by a faction and governed only for a party, but never during the palmiest days of Protestant ascendancy was she so thoroughly ruled by a party, and for a party, as she is at the present moment. Nor is that party less formidable from the fact that their influence is maintained, not by the usual expedients of a Government—not by the operation of their measures and the results of their responsible policy, but by the influence of their arbitrary and uncontrolled authority, and by the perversion of their patronage. Was the House then, he would ask, prepared by passing this Bill, to augment that patronage which had been already so grossly abused, or to add immeasurably to the power of that turbulent and democratic party to whose ambition and whose unconstitutional proceedings the evils of that unfortunate country were attributable? Condemning, as all did, the monopoly of influence which these corporations had so long limited, and entailed upon one denomination in the state, were they about to transfer that monopoly to another party more numerous and more formidable, and in whose hands it would be liable to every objection alleged against its present investment? He trusted that instead of rushing into so reckless and headlong a course, the House would pause and examine dispassionately and calmly the proposition of the noble Lord, the Member for North Lancashire—a proposition to which he gave his most willing support, because he believed it to be calculated not only to remove all abuses and corruptions which were incident to the present system, but to secure the impartial administration of justice, the peace and good government of the towns of Ireland.

Viscount *Morpeth:* As this debate, Sir—as far, at least, as concerns the motion put into your hands—is an exact representation of what took place last year, not only being, as I believe, exact in point of time and in its circumstances, but in the letter in which it was drawn up, I should hardly have thought it necessary to express my opinion fully on the subject. And on this occasion, also, I feel that it is not very necessary for me to go into an examination of the arguments that have been brought forward on the other side after the admirable and impressive speech we have heard from my hon. Friend, the Member for Liskeard (Mr. C. Buller), nor shall I attempt to follow him through the powerful and comprehensive reasoning he displayed. I confess that I was not astonished that the hon. and learned Gentleman who spoke last shrunk from attempting to answer him. Instead of adverting to any of those principles which must guide us in the decision to which we must come, and to those principles which involve the general tenour of imperial policy, the hon. and learned Gentleman has not only travelled over the details which were so copiously brought before the House in the debate of a fortnight ago, but he has evidently delivered himself of a speech which was intended for that occasion. The hon. and learned Member has gone over again, at immense length and with entire monotony of tone, the whole subject of the alleged abuse of the prerogative of mercy which proved so fruitful a topic on the occasion to which I have alluded. He says he has no doubt that such details are very disagreeable to his Majesty's Ministers. It may be irksome to the House, indeed, to have these details so often dinned into their ears, but any details which may be brought forward I will enter upon to the best of my ability, and I will in no case be deterred from grappling with any charge which may be brought against the Government of which I have the honour to be a Member. When I last addressed the House, I submitted it to the indulgence of the House, that when individual charges are brought forward, it is always impossible at the moment to be prepared with the particular answer without an opportunity of consulting the official documents on the subject; but I have found in every case, after I have had the opportunity of consulting those official documents — the source of authentic information—that the colouring which has been put upon the case, by the parties bringing the charge, has been altogether stripped off, and a satisfactory answer afforded. I endeavoured, to the best of my ability, to travel through most of the charges which were brought forward on the last discussion, by the hon. and learned Member for Bandon. There was one case particularly alluded to, that of Maguire, who was liberated by the Lord-Lieutenant on his visit of inspection to the gaol of Cavan, the man being imprisoned on a charge of shooting at a revenue officer, a charge which naturally appeared to the House to be one of considerable magnitude. Now, it appeared by a memorial to the Lord-Lieutenant in favour of the prisoner, signed by magistrates of all parties, that it had clearly been shown on the trial, in the opinion of the magistrates, that the shot was not fired with malicious intent, but out of mere bravado—out of mere bravado I repeat; for it was proved on the trial, that the boat from which the prisoner fired the shot was, at the time, about three-quarters of a mile from the shore on which the revenue officer stood. The fair inference, therefore, was, that the attempt was not so grossly malicious as the sneers of hon. Members opposite would seem to infer. Upon this memorial being forwarded to the Lord-Lieutenant, a correspondence took place between the Lord-Lieutenant and Baron Pennefather, who presided at the trial, so far is it from the fact, that, in any case of serious magnitude, the Lord-Lieutenant has acted without having previously the fullest and most unrestrained communication with the judges. The result of the correspondence was, that Baron Pennefather, while he did not recede from his original opinion, in the course of his correspondence declared, that it was a point for the consideration of the Lord-Lieutenant, and the sentence was then commuted from transportation for seven years into imprisonment for two. This, however, was less the point of quarrel set up by the hon. and learned Sergeant, than the subsequent liberation of the man. That liberation took place in consequence of the unanimous representation of the gaoler, the sub-gaoler, and the local inspector. On what grounds? Not because the prisoner had behaved well in his prison, but because these parties declared that they could not answer for the man's life, if he were longer confined. The hon. and learned Member for Belfast has dwelt largely on the case of Magrath, who was liberated from Dundalk gaol. The real circumstances of the case, however, are in no degree such as to warrant the tone of opprobrium which the hon. and learned Member has attempted to throw upon the liberation of this party. The offence charged against him was the attempt to provoke another party to fight a duel. I am told, and I know, that Magrath had strong provocation; and that there were many alleviating circumstances in his case. I do not say that any circumstances would induce me to look lightly at the offence of provoking to a duel, but in reference to this case I will read a memorial sent to the Lord-Lieutenant after the trial, signed by all the jurors who tried the case. The memorial runs thus:—

"We, the undersigned Jurors, who tried the case of 'The King, at the prosecution of Richard Renison, against Daniel Magrath,' at the last Sessions held at Dundalk for the county of Louth, hereby certify that we did not find the said Daniel Magrath guilty on the first count of the indictment, viz., of writing a letter with intent to provoke the prosecutor to fight a duel, not conceiving that letter to have been written with unfriendly feelings towards the prosecutor. That it was with great hesitation and reluctance we found him guilty on the second count, viz., posting the prosecutor; as, from the evidence laid before us, we conceived the said Daniel Magrath had been hurried into such posting under feelings greatly excited by the conduct of the prosecutor himself. The third count was merely general and formal. We, on the occasion of finding him guilty, recommended him to the mercy of the Court; and having heard that he has been sentenced to a month's imprisonment in the gaol of Kilmainham, to pay a fine of 100*l.* to the King, and also find security, himself in 500*l.*, and two securities in 250*l.* each, to keep the peace, we now further recommend him to the clemency of his Excellency the Lord-Lieutenant of Ireland.

"John Godby, Foreman
John Carrol
Robert Sheckleton
John Chambers
Pat. Connick
William Skelton
Pat. Gennings
Nich. Markey
Symon Byrne
John Robinson
Nich. Callan
William Corbally."

This memorial was signed by all the jurors. The memorial was also signed by the Lord-Lieutenant of the county, a Member of this House, and by several Magistrates of the county of all parties; and the Lord-Lieutenant, in this instance, considering that the case had been tried at the quarter sessions, did not refer it to any judge. The particulars of the case of Armstrong I have not at the moment by me, and I therefore cannot enter well into the details of the outrage on his ditch, which has been so eloquently dwelt upon; but I must say, I cannot consider this a case of sufficient magnitude to be lugged in head and shoulders in a debate upon the question whether corporate reform shall or shall not be given to Ireland. With respect to the number of prisoners liberated by the Lord-Lieutenant, I shall, with the leave of the hon. and learned Member, wait for the returns moved for by the hon. and learned Sergeant before I go into the point. I have no wish to make any concealment on the subject; and indeed, with the view of making the returns full and complete, I shall move, that in addition to the returns required by the hon. and learned Sergeant there be returns made of all the memorials presented to the Lord-Lieutenant in favour of prisoners. Nothing has been said by the hon. and learned Member who last spoke to impugn the chief grounds on which we rest, to test the policy of the measures which the Government of Ireland have pursued—namely, the general decrease of crime in that country. The noble Member for South Lancashire has told us he has advices from Tipperary not corresponding with the statements we made on the subject. All I can say is, that neither I nor my noble Friend near me have quoted anything but the official documents, and have relied on no more suspicious information than the charges of the juries at assizes, and of assistant barristers at quarter sessions. But the hon. and learned Member for Belfast wishes to renew the attack commenced by the hon. and learned Sergeant on the subject of the rules laid down for setting aside jurors in criminal cases, and alluded to the case of the Carters, on which the hon. and learned Sergeant laid such stress in his attacks on the executive Government of Ireland and its law officers. The expressions used by the hon. and learned Sergeant are these. I should not go into the subject but that I have been dragged into it. The hon. and learned Sergeant says,

> "He should now mention a matter of fact illustrative of the practice, and it was one which he thought would occasion some surprise in the minds of Englishmen. It was the case of a Protestant family, named Carter, resident in the Queen's county; they were tenants of Lord Maryborough, and, at the time to which he referred, were in possession of a piece of land, for which they paid rent, and to which they were justly entitled. They proceeded to fence it in. An attack was made upon them, and one of those poor men was so severely beaten that he lost his senses, and he believed was at present the inmate of a lunatic asylum. The same parties beat the elder Carter, and put him to death. They were indicted for murder. One of the parties known, or at least very generally believed, to have been assisting in the perpetration of this crime, openly, in the noon-day, was giving his assistance to the prisoners respecting their challenges of the jurors; but the Crown no longer exercised its privilege of putting by, and of course there was no verdict."

In answer to this I do not wish to rely upon any other document than a letter which I will read from the gentleman who conducted the case for the Crown, Mr. Tickell, whose name is synonymous with the highest integrity and honour, and whose testimony will perhaps be the more readily received by hon. Gentlemen opposite, from the circumstance that Mr. Tickell is by no means enthusiastic in his attachment to the existing Government. Mr. Tickell's letter runs thus:—

> "10, Clare-street, Feb. 11, 1837.
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> "DEAR MASTER OF THE ROLLS,—I have just read the report of Jackson's speech, to which you referred me in your note. I never before heard the slightest imputation against Mr. Dillon (the person to whom I presume he alludes as one who was generally believed to have been a participator in Carter's murder), and I really was exceedingly surprised at the serjeant's statement in this respect. With respect to Mr. Dillon assisting the prisoners' attorney as to the challenges he should make, all I can say is, that I did not see him do so, and that neither did, as I believe, Mr. Geale: Mr. Dillon belongs to what is called the liberal party; he is a brother-in-law of Mr. Lalor, the late Member for the Queen's County, and either has been called, or intends, I hear, to be called to the bar. The Crown solicitor, acting upon the instructions he received not to set aside individuals on account either of their religion or their party politics, did not object to Mr. Dillon being on the first jury, not being aware of there being any other ground of objection to him. With respect to the second statement of Jackson, that on the succeeding trial a convict, a man found guilty of offences of the same class with those for which the prisoner was indicted, was on the jury, it was discovered, after the jury had been sworn, that a man of the name of Fitzpatrick (an extremely common one in Queen's County) was on it, who had been about three or four years previously convicted of a riot. Some doubts, exist in the mind, I believe, of Mr. Geale whether the juror and the convict were one and the same person. There certainly was a Fitzpatrick indicted in 1833, but his prosecutor was also indicted by the Crown for perjury. At the last trial of those tried for the murder of Mr. Carter, the next of kin, or some person professing to act on their behalf, called on the Crown to abandon the prosecution and to allow them to conduct it, with a view manifestly to the selection of a jury. This we refused to do, and also declined to allow an interference with the conduct of the trial. Mr. Geale, however, stated in court to the attorney of the next of kin, that if he would suggest to him any substantial cause for setting aside any individual he would do so, but that he would not exercise that right merely because it was alleged that a man was of this or that party. Had we acceded to the wishes of the next of

kin in this case, we could not have refused a similar request which was made in the very next circuit-town—Carlow; when it was suggested to the Crown solicitor to hand over the prosecution in Sly's case to the next of kin, with the view of thus exerting the Crown's right of setting by. In this latter case there were eleven Protestants on the jury, and I have no hesitation in saying (although the jury was as respectable as could be), that if strong political feelings were to be allowed as a cause for setting by, some of those gentlemen, who were as honourable and as good jurors I firmly believe as could be selected, might also have been objected to. Again, in another trial, which took place in Maryborough, that of Abbot, a Protestant, who was tried for the manslaughter of a Roman Catholic, no juror was set by on the part of the Crown. If, however, the next of kin had been at liberty to exercise that privilege, a jury of Roman Catholics might have been selected, and that, too, in a case in which the prisoner would not have been allowed a single peremptory challenge. The principle laid down by you was acted upon in the fairest and most impartial manner; and I have not the slightest difficulty in stating my belief that it was productive of much more good than evil. Divided and inflamed by party spirit as many parts of the home circuit were and are, it has struck me with surprise how generally, notwithstanding, the juries have done their duty. I do not believe that a single person was set aside on either of the two last circuits (at least not more than two or three, if there were any), and yet you will find, that whilst the number of convictions in England, as compared to the acquittals, is, I believe, about one in four, the proportion on the home circuit here is the reverse, there being three or four convictions for one acquittal. During the last two circuits we had some party cases, arising out of tithes. In the county of Kildare the jury convicted a rich farmer of the name of Prendergast, of having been concerned in one of these riots. In Meath a similar conviction took place; there were several other instances in which the juries, even in what might be called party cases, honestly discharged their duty.

"In summer assizes, 1835, there were, I learn from the solicitor, forty-one convictions out of fifty-seven trials on the home circuit.

"In Lent, 1836, out of one hundred and thirteen trials, there were eighty convictions, and in three cases the juries disagreed.

"In summer, 1836, out of sixty-seven trials, there were forty-six convictions, and five cases in which the juries could not agree.

"Now, out of the whole of these cases, I could not fix upon a dozen in which I should have differed from the juries, nor do I recollect half a dozen in which I thought the Crown had any reason to complain. It appears to me, therefore, an unfair way of judging of the operation of a general principle, by selecting for observation a particular case like that of Carter's. Even in this latter one much might be said to justify the view taken of it by some of the jury as to several of the prisoners. The approver on the last trial committed a very important error in identifying one person for another; but granting that a conviction should have taken place, the general results of the system should be looked at, and the evils of it fairly balanced with its advantages.

"Believe me, dear Master of the Rolls,

"Always truly yours,

"E. TICKELL."

Mr. Sergeant *Jackson* protested that he had not used the expression attributed to him in reference to Mr. Dillon; he had said nothing of the sort.

Viscount *Morpeth*: The expression regarding him that he was generally believed to be a participator in the crime.

Mr. Sergeant *Jackson* said, that all he said was, that a party in question was giving his advice as to the challenging of jurors.

Viscount *Morpeth* continued: Let the House consider the summary of the case of the Carters. It has been tried three times. In the two first instances the jury were not agreed. The question then came before his right hon. and learned Friend whether the same parties should be tried a third time. Evidence had transpired to attach suspicion to another party, and the right hon. and learned judge had to say, whether the same persons should be put on their trial again, and whether, if so, the persons against whom suspicions had just arisen should be tried with them. The three prisoners were tried together: and on this third trial an approver committed an error in identifying the party; yet now, because on this third trial the jury could not find the men guilty, it was stated that justice was not done in Ireland. The hon. and learned Member has quoted other cases, and into the particular circumstances of these cases I shall make it my business to inquire. I was in my place during the whole Session: my right hon. and learned Friend, the Master of the Rolls, then Attorney-General, was also in his place to meet any charge that might be made respecting this very case of Mr. Carter. But not one word was said of it; neither was one word said of Mr. Fogherty's case then. But the great secret of Mr. Fogherty's offence was, the decision which he formed in the case of lodgers, at Belfast. The great outcry raised against him was, that he, in order to try the question, had refused to admit the claims of lodgers that came before him. This case was afterwards argued before the twelve judges, and what was the result? Why, the decision of Mr. Fogherty was held by them to be right. But with what superior purity had hon. Gentlemen opposite valued non-resident freemen. "The point of non-residence need not be mentioned!" And then a law was passed, and a decision of a Committee of the House of Commons came to enforce this virtuous mandate. The hon. and learned Member for Belfast complains of the Irish Government, that they have not given judgeships to Mr. Warren and Mr. Brewster. With that complaint I have had no right to quarrel; nor will I quarrel with the hon. and learned Gentleman's objections to the appointments made to the assistant barristerships. On both these classes of appointments, the Irish Government were willing fearlessly to rely. But the hon. and learned Gentleman is not satisfied with condemning the decision and appointment of the judges, and of the assistant barristers, he even stoops to quarrel with the appointment of the accountant-general to the Court of Chancery. He said that the Government had acted almost from a spirit of corruption, in choosing a friend of their own, instead of appointing Mr. Dawes. No doubt Mr. Dawes is a most exemplary man; but I have yet to learn that it is incumbent upon the Lord-Lieutenant of Ireland to promote to the head of any department, a gentleman who has hitherto held a very subordinate office. However, with respect to the appointment of accountant-general to the Court of Chancery, I shall leave the name of Barrington to speak for itself, which will show that it is not upon a very radical principle that that gentleman was appointed. The summary and conclusion of all the charges of the hon. and learned Member for Belfast is, that the House could not intrust with any increase of patronage, a Government which had so shamelessly and iniquitously exercised that which has already fallen to their charge. Then, what does the hon. and learned Gentleman propose to do? Why he proposes that the House should vote for an amendment, which, if I were to judge by the speech of my noble Friend, who had moved that amendment, and from a similar motion, and the Bill in pursuance of it, of last year, does not in the least degree diminish that patronage; but, on the contrary, tends to give additional patronage to that iniquitous, and shameless, and jobbing Government, to a great extent. Besides the appointment of magistrates, and recorders of corporate towns, this Bill, if his noble Friend succeeded in inducing the House to assent to his amendment, would give the Government the power of naming Commissioners to preside over the distribution of the revenue of all the corporations of Ireland. I must refer to one thing which fell from my noble Friend who opened this discussion, but who, whatever party differences prevail, never acted in a manner of which any one could justly complain. The noble Lord said, that I had endeavoured to fasten upon the members of a former Government of Ireland, the cause of the party feuds and factions that disgraced Ireland. Now I should be very loath to make any charge of so grave a nature, against the Government of which my noble Friend, Lord Anglesea, formed so prominent a part. I wish to state what it was that I said. I believe my words were—that these factious feuds, in some instances, had met with connivance from the neighbouring magistrates, and that they had not always been met with sufficient energy, with a view to their suppression by the central Government of Ireland. That was a widely different thing from saying that the Government of Ireland had connived at those proceedings. Now, with respect to the question immediately before the House, to which I beg to invite the attention of hon. Members; I must, in the first place, observe, that the course has again been resorted to—when the propriety has been urged, of conferring on the people of Ireland those institutions and privileges which have been already conferred on the people of England and of Scotland—of turning round upon the advocates of this policy, by pointing either to some enactment in the laws already existing, or to some measure which is in progress through the House, as inconsistent with that policy. Last year, the Constabulary Bill was referred to as of considerable service in this way. Indeed, it was felt by hon. Members opposite, to be of such use, to show that the Constabulary Bill was an efficient measure for Ireland, while it justified a departure from a similarity of legislation for the two countries, that it was passed with a prodigality of confidence in Ministers through the House, without censure; but it was found necessary afterwards to send it from the other House for curtailment. Well, to-night, of all things, the Poor-law Bill had been put forth as a satisfactory reason against any Corporation Bill, but, as it appears to me, with still more infelicity. It is urged, that a perfect identity of legislation is not observed with respect to the Poor-law Bill. The right hon. Member for Tamworth adopted this argument on a late occasion, and asked, "Do you mean to apply the same principles to Ireland with respect to the Poor-laws? It is the law of England, and the principle of the English Poor-laws, that every person who is lame or blind, or old or impotent, has a right to demand pecuniary relief. That is the principle of the law of England, and do you mean to adopt that principle in its full extent in Ireland? I know many who clamoured for identity of legislation, and assailed us with the charge of insult, that shrunk from it when the Poor-laws came into consideration." Now, what is the principle which his Majesty's Government proposes to establish with respect to a Poor-law Bill for Ireland? If this point be carefully looked into, the principle of that Bill will be found to bear considerable analogy to the principle of the Municipal Bill then under discussion. The Poor-law Bill professes to establish a large electoral body, occupying tenements of the annual value of *5l.*, by whom a select representative body will be chosen for the purpose of administering the law discreetly, and with equity, and to manage the local funds for the benefit of the general body. The Corporate Reform Bill proposes also to establish a large electoral body, possessing the same identical annual qualification of *5l.*, by whom a select representative body is to be chosen, for the purpose of administering the local and general fund discreetly and economically for the benefit of the general body. Thus far, in detail and mode, the provisions of the two measures ran very nearly all fours. But, granting that there is some variety in the enactments of the Poor-law system already established in England, and those which are contemplated for Ireland —and I own, that the surprise to me is, that any Bill can be contemplated for Ireland, which contains so little difference from the law of England; but, granting that some difference does exist, the House must not forget, that in dealing with a Poor-law, we are dealing with what has long been the subject of law in one country, but which has never been the subject of law in the other; while in dealing with corporations, we are not dealing with what has been long familiar to one country, and utterly unknown to the other, but we are dealing with what has been long standing institutions in both countries; and that we are now only seeking to apply similar principles to those institutions in Ireland, which have already been applied to the corporate institutions in England, by removing the corruptions which have crept into them, and purifying them from analogous, but far more exaggerated, abuses. To do this, seems to me natural, reasonable, and just; to refuse to do it seems to me to be most unjust, and especially when that refusal is grounded upon the pretext of inferiority and inability. Such a course is so inconsistent with justice, that it seems almost to amount to frenzy. There is one mode of objection which, whether prominently put forward in speeches on the other side, or running through them in a stealthy under-current, will be found still to pervade and colour them all, which I cannot in the slightest degree comprehend;—that is, that if the House should take this or that course, they will be contributing to the influence and preponderance of Roman Catholic religion over the Irish nation. I will not say that the great bulk of the persons of property, but certainly the great majority of the humbler and middle classes of the people of Ireland are Roman Catholics; and those classes are ascending in the scale of preponderance every year. They are going on, one class above another, in a gradual progression of improvement. It is on this account, I am kindly striving to elevate the Catholics in the social scale of citizenship, rather than persecute them. This is the whole staple of the argument of the hon. Member for Cavan's speech; to much of which he gave his entire concurrence. Catholic influence has found its way in all those departments of industry in which the humbler and middling classes more especially are wont to move. Hence it is that Catholic schools and Catholic chapels are rising up in every corner of the land. And can the House grudge the Catholics this rapid advancement, or finding them making it, can they refuse them a participation in the offices of their local government? In England the official functions are mostly in the hands of members of the Established Church, because the most wealthy, the most prominent, and numerically, the greatest portion of the community are of that persuasion. They enjoy those offices without, as far as I am aware, giving ground of any real umbrage to others. I hope that nothing now remains to prevent their Dissenting brethren from taking their appropriate share of those offices and honours. So in Scotland, the great majority of offices is in the hands of Presbyterians. But Ireland is, though I will not quarrel as to what degree, in a considerable degree, Catholics; therefore, if they remain in their natural, and because natural, their most healthy state, the Catholics will be found in greater abundance in all those departments which are open to Catholic energy and enterprise, and attainable by habits of activity and of business. Whether the Roman Catholic faith and doctrine, as such, are to lose or gain ground, is a question dependent upon higher arbitriment than that of human legislation. It only depends upon us to do justly and fairly by all. Therefore, as far as exclusion or eligibility to civil offices or emoluments is concerned with the Catholic religion, as such, that House has nothing whatever to do. Let each hold firmly to his own opinion upon that subject, and seek only that influence and predominance which reason and justice alone sanction. With respect to this night's debate, I do not consider that there has been much novelty of argument advanced. There was one striking and startling argument, indeed, which I must own, very much surprised me, and still more so as coming from the right hon. Member for Tamworth, and which has been confirmed by my noble Friend who has moved the amendment. I mean the ground, now for the first time taken, or at least for the first time set forth, whereon to rest the denial of corporate government and privileges to the people of Ireland, namely, that it may be found prejudicial to, and affect the interests of the Established Church. Do we hear this from the friends of the Church, from the champions of the Establishment? Is the Church strong enough, is she deeply rooted enough in the veneration of the Irish people, is she congenial enough to their habits and their affections, is she so clear from all ground of offence, that you can afford to make her the scapegoat against every charge, the bulwark against every attack? Is her structure so sound, or her fabric so firm and so impregnable, that you can call together all the scattered elements of enmity to select her out as a mark, and to assail her portholes? What is the state of the case? The bulk of the Irish people, whether with right reason or not, consider the denial of corporate government and privileges to them, after they have been conceded to England and Scotland, as a grievous injury; and they are in a most excited and inflamed state, on account of the mode in which they conceive that grievance inflicted on them, and the ground on which they conceive it to rest. What, on the other hand, is the state of the Church? On totally distinct grounds, it has already become obnoxious and unpopular, and it is to a great degree, threatened and exposed, harassed and impoverished. Her revenues are but scantily paid; and her ministers in many instances, most painfully destitute. And what in this case do the hon. Gentlemen opposite propose to do to help to raise her head to restore her, by increased forbearance, to favour? Why, they virtually tell the Irish people, "Most probably it would have been thought right to give you Municipal Corporations. The natural presumption (said the right hon. Baronet) would have been to confer on you what has already been conferred upon the people of England and Scotland. There is considerable presumption in favour of a municipal law for Ireland, on account of the antiquity and the simplicity of the institution." But after admitting this natural presumption to exist, the right hon. Baronet steps in and says—"This must not, however, be carried into effect, because the interests of the Church may be implicated and prejudiced, and the current of equal legislation, if applied to the Corporations of Ireland, may be found in some collateral manner to affect the full, and fair, and round proportions of the Church Establishment, and therefore the people of Ireland must not have Municipal Corporations." They are not to choose their own chief magistrates; their town-councils, are not to meet to discuss and legislate for their own minute local affairs; not because these bodies, as far as I am aware, can directly affect the interest of a single clergyman, much less of the Church itself, but because the right hon. Baronet fears the moral contagion of that very principle of equal law, and responsibility, and self-government, which would call those municipal bodies into being, would weaken the foundations of that other great corporate body the Church—to the rottenness of which he and his Friends are thus adducing the foremost and most formidable testimony, and to the hostility to which they are themselves administering the most natural, reasonable, and, under the circumstances, I must say, justifiable, and even inevitable feelings. My Friends and myself have been reproached with being the enemies of the Church; but we have never carried our enmity to such a fatal pitch, as to hold out, that to save the Church we must demolish the Corporations of Ireland; that the only tenure of her prolonged existence is to make her rear her naked front over the raised, and stark, and denuded tenantry; and the only ground of her security is the denial of equal rights, and the destruction of free institutions.

Lord *Stanley* said, that it had been his intention undoubtedly not to have offered any observations to the House in the course of this evening; feeling, in the first place, that the general impression on the part of the House was, that this debate must necessarily be prolonged, and feeling, also, that the course which the debate had taken this evening, so far as he had heard it, was a course which rather led into those details and minutiæ which were properly discussed by those hon. Gentlemen alone on one side and the other, who were conversant with the facts, and acquainted with the details which had reference to Ireland; and because the speech of his noble Friend, until indeed that extraordinary conclusion to which he came, was rather a reply to the details, or to a small portion of the details, brought forward upon the challenge of Ministers themselves by the learned Sergeant (Mr. Jackson) behind him. But the conclusion of his noble Friend's speech rested the case upon broader, upon plainer, upon more intelligible grounds, and upon those grounds he avowed—as grounds connected with the maintenance and security of the Protestant religion in Ireland—that fearless of the scorn, and fearless of the contumely, with which the very name of a Protestant appeared to be received upon the other side of the House, fearless of any such reflections, and notwithstanding the taunts which had fallen from his noble Friend against those who desired with him to oppose this Bill on such grounds, he would rest one main, simple, and intelligible objection to this measure, on the ground that it was intended and calculated to be the destruction of the Protestant faith. Gentlemen opposite put forth professions that they were friendly to the Church, that they desired to support her influence, that they desired to extend her power, that they desired to lay more deeply and more solidly her foundations, and to strengthen her claims to the reverence and affection of the people; and yet his noble Friend, the Secretary for Ireland, in the beginning of his speech, said, that for him, the Minister of the Crown, it was unnecessary to enter upon the broad question, since he subscribed so entirely to the doctrines advanced by his hon. Friend, the Member for Liskeard. [Viscount *Morpeth:* I said not one word about subscribing to his doctrines.] He hoped, then, that he had misinterpreted the opinions of his noble Friend, but when he found his noble Friend the Secretary for Ireland, declaring in the commencement of his speech that it was unnecessary for him to enter fully into the main question, after the comprehensive view of the subject taken by his hon. Friend the Member for Liskeard, it was surely no extraordinary want of charity, and he thought it was no extraordinary dulness of perception, if that expression did convey to his mind and to the House an accordance of sentiment between the Gentleman who took that comprehensive view, and the Gentleman who stated that, his hon. Friend having taken it, it was unnecessary for him to enter fully into the question. But if he did not take that view of the matter, and did not rest upon it, he should turn to the conclusion of his noble Friend's speech. What was the topic on which his noble Friend enlarged at the end of his speech? The rottenness of the Established Church. [Viscount *Morpeth* again expressed dissent.] Why it appeared extremely difficult to discover the true interpretation of his noble Friend's speech. He was afraid that his noble Friend shared with the rest of his Majesty's Government that delusion of not being able to understand their own sentiments. [*Interruption.*] "Sir," said the noble Lord, "if it is the pleasure of the House that this debate should now conclude, I am ready to sit down, and resume at another time; but if it be the pleasure of the House that I should continue, I hope to meet with that forbearance and indulgence which is befitting a legislative assembly. I maintain that my noble Friend shares in that delusion in which Ministers appear to be plunged with regard to this question, and the affairs of Ireland generally. They mistake their own position, notwithstanding the warnings alike of friends and opponents, and go blindly burrowing on with a set of measures which every human being but themselves, on one side and the other, can see with half an eye must lead to results directly the reverse of those which they anticipate. In this respect, Sir, they resemble those madmen whom all the world but themselves think to be insane, yet who think themselves in the enjoyment of a mind perfectly sound and unimpaired. They say, that we are perfectly blind, and that we dont see to what their measures tend. It is true, they say, that those who support, and those who oppose us, both agree in that to which they think our measures will lead; but both parties are quite wrong—they are both mistaken. Those who oppose us think that we want to destroy the Church, and therefore oppose us, no doubt honourably and conscientiously; those who support us think we want to destroy the church, and therefore they support us, no doubt, honourably and conscientiously. We agree with our opponents in their wish to preserve and augment the influence of the Church, but we agree with them on this point because we consider that those very measures, from which supporters and opponents alike expect the destruction of the Church, will be the salvation of the Church. I say, then, that with regard to this question, I am borne out in asserting that my noble Friend and his Majesty's Government miscalculate the position in which they stand. They profess to have one object in view, and their opponents profess to have the same object. Their supporters profess to aim at a directly opposite object; and yet Ministers propose to us to adopt measures, which those who are most anxious to obtain them advocate on grounds directly opposite to those which they pretend to entertain. What is the conclusion to be drawn from this? That both the great parties are equally wrong; that nine out of ten men in this House, and out of it, are grossly deceived with regard to the effect of the measures they submit to us; and that that small, that miserable, though monopolizing, minority, is really the only body in the House of Commons, in the House of Lords, or in the country, which clearly see their way before them! I have a great respect for many hon. Gentlemen opposite, but I cannot, in defiance of the opinion of every clear-sighted man, give them credit for being the only acute and clear-sighted men in England. I am induced to suspect that they are blindly following, or rather are being blindly driven, along a path of which they do not see the end; while those who very clearly do see it, are exulting in the Cimmerian darkness in which they are involved. The very significant expression used by the hon. and learned Member for Kilkenny, at a very Radical meeting the other day, serves as a very good index to the opinions which are held by their friends on this head. The hon. and learned Member gave this most judicious advice to the Radical audience whom he addressed—"If you mean to kick out the Whigs, kick them out in God's name; I don't care, but don't do it till they have given me the Irish Municipal Bill." I tell you, the hon. Member did use that language; he really did. But why be surprised at it? That is language to which my right hon. Friend is very well used from the hon. and learned Gentleman—I do not mean personally—as well as all the rest of his Majesty's Government. The Radicals are continually saying, "Let these poor miserable Whigs go on till they have passed our measures; push them on to a certain point, and then kick them out." We are told that it is no argument against any measure, to say, that the passing of it may lead to the enactment of ulterior measures. I admit that that is no argument against a measure if it be good in itself, and that we ought not to be deterred by the fear of consequences, or the apprehension that ulterior concessions will be demanded, from giving that which is just and not dangerous. I admit that to be no argument; but I say it is a sound and substantive argument against a measure if you are told by your own friends that they support it with the certainty of attaining, through its instrumentality, the ulterior objects they have in view—objects which every man in this House knows, and which they do not themselves conceal, to be the overthrow of the established institutions of the country; and I will tell my noble Friend in addition, when they have accomplished that, the overthrow of Ministers themselves. The hon. Member for Kilkenny has not left us very much in the dark on this point. I think, at all events, that you will not dispute his acuteness, his knowledge, of the state of Ireland, and of the power of the various levers which may be called into action for effecting his objects. On these points, I think, we are all agreed; and I think no one will now be inclined to dispute the power he exercises in the Government. I think the House cannot have forgotten that most significant passage quoted the other day from a very recent speech of his—"Give me municipal reform, and with that I will effect all the rest." What is my answer? I say I agree with the hon. Member; in the present state of Ireland I believe he would; and therefore —and you have yourselves to blame for the conclusion to which I am forced to come—and therefore, with my consent, this measure of municipal reform you shall not have. The hon. and learned Gentleman says he will have it. Sir, I do not make this declaration in the name of a person so insignificant and so humble as myself, but I venture to say, in the name of the House, in the name of the Parliament, in the name of the nation, that the line which is now taken by the General or National Association of Ireland, is the most formidable obstacle to the passing of this Bill; and I tell them, that so far from being intimidated by their threats, so far from being led to concede to clamour that which we would not give to justice [*great cheering*]; I understand these cheers; and your cheers would signify, that we do deny to justice what we would concede to violence; but I tell you, that the louder the demand, and the more terrible the intimidation, the more determined will the people of England be that it shall not be granted. But now with regard to this much-lauded Corporate Reform — this beautiful pretence on which the cozening cry of justice to Ireland is to be grounded —this new *sine quâ non;* where is your evidence of the great fitness of society in Ireland for its reception, or of the great anxiety of the people of Ireland to obtain it? At the end of the last Session of Parliament, after we had dared to doubt the propriety of passing it, we were told that we should be overwhelmed with petitions from every quarter of Ireland expressive of the indignation of the people of their sense of insult—of their feeling of intolerable injury and degradation. Why, what petitions have we had? How many? I took the trouble myself to ascertain the number, and it appears by the votes of the House, that thirty-four petitions have been presented in favour of Corporate Reform. On the 8th of February three were presented; on the 13th, five; and in order to get up even this number, they must couple with that a prayer for something more popular. On the 13th, five were presented, and with them, from the same places, five accompanying petitions against tithes and in favour of the ballot. On the 14th two were presented in favour of Corporate Reform, accompanied by two for the abolition of tithes, and two for the ballot. On the 16th, fourteen petitions were presented for corporate reform, thirteen for the abolition of tithes, and twelve for vote by ballot. And on last evening eleven for corporate reform, with, in this instance, three only for the abolition of tithes, and five for the ballot. Whether more are coming or not, I do not know, and do not much care; for these petitions are got up at simultaneous meetings, where I have not the least doubt on earth, with all my respect for the right of petitioning, that if it were the orders of the General Association to petition Parliament to cut my head off my shoulders without the intervention of judge or jury, just as many signatures would be obtained. With regard to this alleged great anxiety for corporate reform, whence do the petitions come? From the towns which are to benefit by the measure? No. We have a petition from the trades of Dublin; another from Kilkenny; and, what with the aid of the ballot and tithes, and the heat of the late election, another from Longford, another from Monaghan, and another from the very important town of Enniscorthy. These are the only towns upon which this inestimable privilege is to be conferred, and which, we are told, are to be insulted by withholding these invaluable rights, and to testify every feeling of indignation at the outrage offered to them. These five are the only towns that asked you to give them corporate reform; and four or five important towns, as we have been reminded by the hon. Member for Belfast this evening, upon whom you propose to confer this inestimable benefit, implore you, for God's sake, to let them alone. It is very difficult to deal with such a question as this, where we are not allowed to rest the issue upon facts, but upon feelings, passions, and imagined insults. We need not think it extraordinary that the General Association, with their emissaries, with their pacificators, with the power they have in every parish of Ireland among the Roman Catholics, pretending, nakedly, that Parliament has declared them unfit to be intrusted with the rights of Englishmen, should be able to stimulate a population who know nothing of the real facts of the case so set before them, to repel the supposed insult, and to stand forth, and say, that they are as fit to be intrusted with civil privileges as their countrymen of England. But that is not the ground on which we do rest, or on which we ever have rested, the question. The question is not whether an Irishman be himself fit or unfit to exercise civil privileges, but it is this—is the state of Ireland at this moment so analogous, or so similar to the state of England in every respect, that it shall follow as a conclusion, on which no controversy can be raised, that the same institutions in Ireland will produce the same effect as in England? Surely, Sir, this is a question which may be argued without insult to Ireland, without injury, without offence. I put it to His Majesty's Government, who brought forward the other day a question of great importance to Ireland, of deep, of vital importance, though a question which the General Association of Ireland think ought to be postponed to this or that canvassing, or this or that election in Ireland—I mean the proposa of a legal provision for the poor of that country,—I ask the Government whether they find upon this side of the House any disposition to treat with insult, to treat with enmity, to treat with injustice, to treat as a matter of party feeling, the just claims, the rights, the miseries of the people of Ireland? I ask them whether, when a measure of real relief is brought forward, they find more readiness on the other side of the House than on this, to deal with the question, to sift it thoroughly, to consider it minutely in all its relations and details, to deal with it, not with reference to any party, but with reference to the whole state of Ireland, to inquire what advantage it will confer on Ireland, to inquire what similarity between the laws of the two countries may be preserved, and what distinctions must be drawn? And why should we be hindered by this Association, unless they are determined to make it a party question, and a party question only, why should we be debarred from taking the same broad view of the subject which we took on the Poor-law question, and which I, for one, am resolved to take on every question that is proposed for our consideration? But I will not pretend that I do not mix up with the question a consideration of the relative situation of Protestant and Catholic. I say I will not put forward such a pretence, for I have regard to these considerations. And why? Because the state of Ireland is shown to be such that the bulk of the inhabitants are of the one religion, and the minority of the other; that the higher classes are ranked with the minority, and the lower with the majority; that, unhappily, no question can be raised, no debate can take place, no election can occur in any town without raising the question of Protestant ascendancy or Catholic ascendancy. For it is no question of equality now, no question of community of civil privileges; the question presents itself to our deliberation in an open, simple, undisguised aspect: it is this—Will you take that line which will tend to maintain the ascendancy of the Protest nt church, or that line which will tendato demolish the Protestant church? And, unhappily, we are compelled so to consider every question which, practically speaking, we can discuss on Irish affairs, that we cannot shake off the religious question, or look at it without regard to Catholic or Protestant. But, I ask, have the Protestants no claim to our consideration? You say they are in the minority; you cannot help admitting that the earnest endeavour of the party which now holds sway in Ireland will be directed to the advancement of Catholic interests, and the discouragement of Protestantism, and that their leading object is the destruction of the Protestant church; and they tell you themselves that they consider this measure, and mean to use it, as their great instrument for effecting that object—for securing the extermination of the Protestant church. Let us meet this question fairly and openly: dare the Government answer my challenge? They say their measures will benefit the Church; but I tell them they will overturn it. I see nothing in their measures which will tend to secure the Church. I see much in them which by the confession of all parties, will ensure its destruction. But what is the course they pursue with regard to the Bill before us? I will not at this late hour enter into the details of the measure, or weary the House by occupying it with minor points. I wish to put the question upon this plain, simple, intelligible ground, a ground which I think the people of England, Scotland, and Ireland will clearly understand,—the ground of its being a leading step to the object which the supporters of Administration contemplate, which we at least desire to shun, but to which I see Government approaching day by day, and hour by hour. We are called upon in the same paragraph of his Majesty's Speech, delivered at the opening of this Session, to turn our attention to three important questions bearing on the state of Ireland — the Municipal Corporation question, the Church question, and the Poor-law question. I do not know what the views of Government may be, but I say distinctly that the settlement of the Church question would, in my mind, remove out of the way a great stumbling-block to the settlement of the corporation question—an obstacle which, as long as it remains in its present state, must render the settlement of that question hopeless. I say, if you desire to introduce the principle of uniformity of institutions into Ireland, the settlement of the poor-law question ought to precede the consideration of corporate reform. What is the basis of the qualification in England? A certain payment to the poor-rates continued for a period of three years. What is the qualification in Ireland? The occupancy of a *5l.* House, and for a term of six months only. You who ask for identity of principle refuse us identity of principle. There is no more identity of principle between the measure of corporate reform in operation in England and that which is proposed for Ireland, than there would be between Lord Grey's plan of reform and a plan which embraced universal suffrage. Lord Grey introduced a measure of Parliamentary Reform, the basis of which was popular control. What is the basis on which a plan for universal suffrage must rest? Popular control. Yet if any one who compared these questions were to tell you that they rested on the same principle of popular control, he would be laughed at as a fool by every sensible man. This is exactly the *rationale* of the conduct of Government [*interruption*]. The right hon. Gentleman forgets the great improvements that have taken place in the acoustics of the House. The plan of Dr. Reid, which has been laid before us this morning, and which I have had the curiosity to read, will enlighten him on the subject. The learned doctor anticipates that not only will the speaker be distinctly audible, but even the whispered conversation so often superior to the voice of the orator will strike the ear so clearly that hon. members will be obliged to acquire the art of modulating the intonations of their voice to the required degree of dulcet softness. Let me hope the right hon. Gentleman will profit by this hint. This case in point shows on a small scale the necessity of bending to altered circumstances, and may instruct us that that will be out of place this year which would have been applicable last Session. I say this bears on my argument The case is precisely the same. When Government proposed to legislate on the same principle now which they employed last Session, they should have regard to the altered circumstances of the country and not expose themselves to the ridicule of ninety-nine out of one hundred of their supporters, by proposing a measure out of a vain desire for identity of legislation, which will lead to measures which they profess to deprecate. I said that I would not trespass long on the time of the House; I shall but repeat that I wish to rest my opposition to this Bill, and my support to the instruction to the Committee which my noble Friend has moved upon this ground, that admitting the abuses of the present corporate system, not desirous of defending the abuses of that system, we are prepared to go every length with you in doing away with those abuses; but we do not think that there is anything in the circumstances in which Ireland is this year placed which should encourage us to consider it less dangerous to transfer the monopoly from one party to another, or which should induce us at this time and under these circumstances, to assent to your measure. We feel that we cannot agree to it till the Church question is settled—till that Church which we are determined to protect is placed upon such a footing as that it shall be secured from violence, from fraud, and from outrage, and confirmed in its revenues. And till equal justice shall be done to those who profess her doctrines and adhere to her creed with all others of his Majesty's subjects, we will not place in the hands of a powerful body—a body the more powerful because it is organised and united—because it possesses effectual means for diffusing its influence over the whole of Ireland—because it is fostered, protected, encouraged, and cherished by his Majesty's Government—we will not give to that body the power of effecting an object which we deprecate, and which they assure us they can effect by means of this Bill—a power which we may be assured will be most unscrupulously exercised. We will not, in the vain hope of producing peace, consent to that which all parties agree will produce no peace. We will not grant that which you ask on the ground of conciliation. When every prospect of conciliation is shut out, we will not give fresh vantage ground to our adversaries, but we will take such a line, and exhibit such a demeanour, as shall convince you, judge as you will, as shall convince the people of this country, that in refusing to apply the remedy proposed to acknowledged grievances, we are actuated by no wish to uphold ancient abuses—that we wish to eradicate them root and branch, that we wish to abolish every law that tends to violate the equality of civil rights. But until we see that equality practically secured, we will not, under the abused name of equality sanction a more odious monopoly, a more detestable tyranny, than you exclude.

Debate adjourned.

HOUSE OF LORDS,

Tuesday, February 21, 1837.

MINUTES.] Bills. Read a third time:—Registration and Marriages.

Petitions presented. By Lord KENYON, the Bishop of LONDON, the Earl of DEVON, from Stafford and other places, against the Abolition of Church Rates.—By Lord BROUGHAM, Earl FITZWILLIAM, Viscount MELBOURNE, from Yarmouth, Southwark, and other places, for the Abolition of Church Rates.—By Lord BROUGHAM, from Dunkeld, that their Lordships would introduce a measure for the better Recovery of Small Debts (Scotland).

THE ESTABLISHED CHURCH.] Earl *Fitzwilliam* presented petitions for the abolition of Church-rates from Newport and Yarmouth (Isle of Wight); from Northampton, and several other places. The noble Earl stated, under ordinary circumstances, he should have been content to lay the petitions on the table without saying one single word; but on the present occasion, he felt himself called upon to depart from the usual course. It generally happened that petitions were intrusted to those who concurred in their prayer; but on this occasion, he differed in some degree from the petitioners. It had been his duty to tell the petitioners, that he did not entirely coincide in their views on this subject, and had, therefore, offered to return the petitions to them, that they might be presented by some other noble Lord who agreed with the petitioners; they still, however, in their kindness to him, requested him to present them. It was, in his opinion, the special duty of the Legislature, to take care that the humblest individual in the kingdom possessed the right to enter a place of worship, and pay his devotion to his Creator. He did not then intend to enter upon the inquiry as to what plans had been drawn up to afford relief from the payment of Church-rates; but he considered that it was the bounden duty of Parliament to take care that the means of attending worship was afforded to all classes of the community. It was not unnatural that those who dissented from the Church should conceive that they ought to be relieved from the payment of these rates; but, at the same time, while he admitted that it might appear a hardship on those persons to continue the present system, he could not agree in any plan which would deprive the meanest subject of the realm of the right which he now had, of always being able to demand certain and fitting accommodation in those edifices devoted to the worship of God. While on this subject, he felt bound to state, that he thought that many of the demands of the Dissenters arose from the conduct of the Church of England itself. It could not escape recollection, that the clergy of the Church of England had not been so tolerant towards their dissenting brethren as its interest required. As he stated before, he knew not what plans were in contemplation, or to what it was intended to have recourse, to supply the deficiency that would be created by the abolition of Church-rates. But it was impossible to conceive that there should be any mode of supplying that deficiency, which could have the effect of making the people of England feel that they would have, as a community, no interest in the maintenance of these edifices. As he said before, and he spoke it boldly in the presence of the hierarchy of the Church of England, although he did not mean to bring this charge against those now present, but much of the soreness which existed in the minds of the Dissenters—much of those feelings by which he feared they were actuated towards the Church of England, was due to the Church itself. He trusted that the Church would not now rue its former conduct; but it was impossible for the Dissenters not to recollect, that so long as there remained a chance of maintaining those laws, by which the Dissenters were excluded from the full enjoyment of the civil privileges and rights of their fellow-countrymen, the hierarchy of the Church of England did not join with those who sought to relieve the Dissenters from the stigma under which they so long laboured, and those disabilities under which they could scarcely be said to enjoy the rights of Englishmen; on the contrary, they stood to the very last in the gap, and endeavoured to prevent the Dissenters from participating in the enjoyment of those privileges to which all the rest of their fellow-subjects were entitled. He never could, however, consent to any measure, the possible effect of which could be, that a single individual of the humblest class, in the remotest corner of England, should be unable to say, in regard to the church of the parish in which he lived, that he had not a right to go in there to worship God, and that he was not also entitled to call upon the proprietors of the land in the parish to maintain it. Would to God that the hierarchy of this country had been wiser half a century ago, and had undertaken those measures of change and improvement in the ecclesiastical arrangements of this country which were, at that time, obviously necessary. He trusted, however, that the present hierarchy would be wiser than their predecessors. He did not know that he should have another opportunity at present of addressing their Lordships upon this subject; he therefore hoped that he should be allowed to trouble the House with one or two considerations which had been forced upon his mind, in examining this subject in all its bearings. In the first place, it could not be denied by any man sincerely attached to the Church of England, by any man who was desirous of seeing that Church more deeply rooted in the affections of the people of England, that great changes and reformation were necessary in the administration of the Church. In the first place, it could not be denied by any man attached to the Church of England, by any man desirous of seeing that Church more deeply rooted in the affections of the people, that great changes were necessary. A great attempt, indeed, at change had been made, at something which its authors were pleased to call Reform, in a measure which he could not help saying, was most opposite in its nature to the name by which it was designated; and here he could not help stating, that it had been asserted in that House, that the measures that had been brought forward, with reference to the Church, had been approved of by the hierarchy, because they were at once reforming and conservative. It appeared, however, to him, that these measures were neither reforming nor conservative. They now felt that something must be done, but they had not the courage to go the right way to work. These were not reforming measures, because they removed none of those abuses which called for immediate correction. At the same time, these proposed plans overset all the episcopal boundaries which had hitherto existed in this country. They made great changes, but they were made in a manner which would produce no possible beneficial effect in the administration of the affairs of the Church. If he might presume, and he did it with great deference, to express an opinion on the subject, he should say, they ought to have undertaken their task in a bolder manner. They ought to have gone through with the determination of placing the ecclesiastical functions of this country upon such a footing as that in each diocese it would have been possible for the head of it, well and perfectly to superintend the whole clergy of that diocese. But what had been the case? He would refer to the parts with which he was personally acquainted. He would look to the great diocese of York, which he took to be a complete anomaly, which ought at once to be altered. It was held by an archbishop, and he believed that the most reverend prelate, at the head of the Church, also had to superintend a very expensive diocese. They had each then a diocese of their own to attend to within their archbishoprics, and he would ask in what situation was a diocese such as that of York placed? It remained of a magnitude and extent, that it was almost impossible for any man, however great the energies of his mind, or the strength of his body, to superintend it; he defied any man to superintend properly that diocese, as it at present stood. He gave these as samples of the whole scheme, which appeared to him, he was sorry to say, neither reforming nor conservative. It had changed much, but reformed little; because, if he understood the meaning of reform, it was a change for a beneficial object. But here it was without any beneficial result. If there was any beneficial result, it was so trifling, that it was not worth speaking of, and no advantage whatever had been derived from it. The House might perhaps think that he was indulging in digressions from the immediate object before the House, which was, that he should lay before them the petitions he had presented, praying for the abolition of Church-rates. If he had indulged in any digression, he had done so as the organ of those who had confided these petitions to his hands; but he begged it to be understood, that he could not sanction by his vote, any measure which should contemplate the bare possibility of there being any human being in the country who should see his Church dilapidated, and not have the sanction of the Legislature for the maintenance of the edifice in which he might worship his Creator. He would say more—attached as he was to the Church of England, he thought that there was nothing would add more to the honour of that Church, than that it should strip itself of every semblance of intolerance; and not only of every semblance of intolerance, but of every symptom of jealousy of any other sect. Though I cannot, said the noble Earl, consent to believe those who may think that the payment of these rates is attended with some grievance upon their feelings, nevertheless, as a member of the Church of England, I should rejoice to see that day come in which the members of the Church of England and the Dissenters, to whatever congregation they might belong, should agree together to worship their God within the same walls. Whenever that time may come—whenever the hierarchy and the clergy of the Church of England shall say to the Dissenting ministers, in their respective parishes, that it shall be permitted to them to worship their God under the same roof, and within the same walls (of course I do not mean at the same time), then I will say that the Church of England will have gained that title to toleration which she has so long appropriated to herslf, but in my opinion most mistakenly. There is another point upon which I, as an insulated individual, in consequence of that insulation, and because I do not by stating it compromise my opinions, or that of any other individual; but there is another point upon which I, as a member of the Church of England, have strong opinions, and which I will not hesitate now to avow. My Lords, in looking round this country, I believe that few indeed are the places in which the members of the Church of England do not outnumber to a degree hardly conceivable, not only individual sects of Dissenters, but all their sects put together. I am not aware, from all the experience I have had in those parts of England with which I am connected, in which the Dissenters, I do not mean one sect, but all sects of Dissenters, are not infinitely inferior in numbers to the Church of England. If there is any place where the Dissenters out-number the members of the Church of England, it is a certain town in the county of Northampton. Now, my Lords, having stated that I shall that day as one of the utmost glory to the Church when the Anglican, the Independent, the Presbyterian, and the Baptist, may all meet together in the same place to worship, I go further, and say this, that, if it could be proved to me that in any parish in England any other sect is more numerous than the Church of England, I, as a member of that Church, should have no objection to surrender to that sect the ecclesiastical property within that parish. I think, if the members of Dissenting congregations were more numerous in any place, for a certain length of time, than the members of the Church of England, they would be entitled to be invested with all the ecclesiastical rights in that parish. Whether to the majority of those present or not I do not know, but I well know that to the majority of your Lordships' House, who are not present, this doctrine will appear highly subversive of the Church of England. But it appears to me that the only real and solid grounds on which the Church of England can rest, are the immutable decrees of justice; and it is not consistent, that if in any parish that Church shall be inferior in numbers, she should assume those attributes which ought only to be given to those who are superior in number. I am afraid I have taken up too much time in stating my opinion, and I now lay upon your Lordships' table these numerous petitions.

The Archbishop of *Canterbury* had heard, partly with surprise, partly with pleasure, and partly with very different feelings, the very unexpected speech which the noble Earl had made on an occasion when it was generally understood that discussions of this sort should not be brought forward by those who presented petitions. At the same time, his respect for the noble Earl, would betray him into an irregularity of the same kind. He did not, however, intend to trespass long on their Lordships' patience. He entirely concurred in the wish expressed by the noble Earl, that there might be such an abundance of places of worship in this country, and so well preserved, that there should be no man, however poor, who should not find a place into which he should be at liberty to enter and worship his Maker. That he conceived to be the ground on which the noble Earl founded his opposition to the abolition of church-rates, and in that respect he perfectly agreed with the noble Earl, and he believed that the great majority of the people of this country would concur in that feeling. The noble Earl had made an attack upon the Church of England, or, as he was pleased to call it, the Anglican Church, as being wanting in toleration. The instance which the noble Earl had selected to show this, did not bear much upon the present day, nor did he believe it bore much upon the Church at all, at any time of the hierarchy. It was the policy of the Government of this country for a long time, to continue certain restrictions towards Dissenters; but, as far as his recollection went, on the very first occasion that the repeal of the Test and Corporation Acts was proposed by the Government, it met with no opposition on the part of the Episcopal Bench. But the attack of the noble Earl was rather on their predecessors. Surely, then, the noble Earl might have done some justice to the Bishops and hierarchy of the present day. It would have been but fair. All that he (the Archbishop) could say, was, that there were many who disapproved of the conduct of the Bishops on that occasion, and he was by no means certain that it was altogether without reason. If they looked at the result, they might say so. When the Dissenters complained of those disabilities, nothing was said by them about church-rates; but no sooner were those disabilities removed, than they raised the cry of injustice, because, in common with the rest of his Majesty's subjects, they were called upon to contribute to the support of the fabrics of the National Establishment. He was afraid the Dissenters would not agree with the noble Earl in the view which he took of this question. He rather thought they would disclaim the apology which the noble Earl had made for their mode of proceeding. He believed that the proceedings of the Dissenters were not confined merely to the abolition of church-rates. He had seen accounts of many of their meetings, and had read their resolutions, and it appeared to him that the Dissenters would not be satisfied with personal exemption from church-rates. He concluded from the latter part of the noble Earl's speech, that the day would come when the Dissenters would claim a share not only in the churches of the Establishment, but in its property also. Whether the noble Earl was then speaking his own mind merely, or speaking from a communication the noble Earl might have received from others, he did not know, but he was convinced from what he had seen, that there were others who entertained the same kind of opinions as the noble Earl. There was another point in the noble Earl's speech, to which he could not help adverting. The noble Earl had spoken much of the measures which had been taken for effecting reforms in the Church; that was, for the regulation of the Ecclesiastical Establishment; and he declared his high disapprobation of those measures, because they were neither reforming nor conservative. The noble Earl wished to carry reform a great deal further; as to Conservatism, that must be left out of the question. But would the noble Earl permit him to suggest, that the speech which he had made to-day on the division of the dioceses, ought to have been spoken last Session, when the Bill for the distribution of the dioceses was before the House? It then would have been perfectly in place. It was fully competent for the noble Earl to deliver his opinions in that House; and although he entirely differed from the view taken by the noble Earl, with respect to those measures, yet he should have listened with great attention to anything that might have fallen from the noble Earl. The noble Earl, in speaking on that question, had not considered that the arrangement respecting the bishoprics, was only a very small part of those measures which had been agreed upon by the Ecclesiastical Commissioners, among whom there were some whom he believed the noble Earl called his friends. The noble Earl had spoken as if this different disposition of the dioceses, which would render them more manageable, were the whole of the reform contemplated. When the other measures, however, came forward, he presumed their Lordships would hear the opinion of the noble Earl with respect to their efficiency; and on that occasion he hoped he should be able to convince the House that the views of the Ecclesiastical Commissioners were more correct, and more likely to be beneficial, than those entertained by the noble Earl.

The *Bishop of London* wished to mention one fact which had not been alluded to by his most reverend Friend. The noble Earl had alluded to the intolerance of the Church, and he did not mean to say, that the hierarchy of the English Church had not at any time been intolerant; the hierarchy of this country had been, as in other parts of the Christian world, intolerant; but it had, in common with the rest of the world, advanced in intelligence and liberality, though perhaps not with an equal pace, nor as the foremost in the ranks of advancement; but, in due time, and after a cautious examination of all the circumstances connected with measures which, at first sight, it might be thought threatened danger to existing regulations. It was not the hierarchy who first devised the Test and Corporation Acts, for the protection, as they were intended, of the Establishment; but, having been devised by the Legislature, and regarding them as a safeguard to the Constitution, surely the hierarchy were not to be the first to propose the abolition of that safeguard. But when the repeal of those Acts was first brought forward, the hierarchy were among the foremost to support that measure. He would take leave to remind the noble Earl, too, that at an earlier period, when a measure most justly deserving the appellation of a measure of intolerance was hurried through the House of Commons, and brought up to the House of Lords, it would have passed through their Lordships' House, had it not been for the truly Christian liberality of the Episcopal Bench who sat there at that period: he alluded to the Bill against occasional conformity. As to the proposal of the noble Earl about allowing Dissenters the use of the fabrics of the Establishment, it was not the first time that it had been made; and he concluded that the noble Earl had taken his notion from a pamphlet on the subject, respecting which it had not been untruly, and somewhat numerously, remarked, that if the plan therein recommended, should be carried into effect, it would not be very easy to say what the result would be, except that every Church in England would be converted into a sort of theological Noah's ark. If they were to give an opportunity to every half-taught Christian to go to the house of God, and there hear in the morning one set of doctrines, and in the same house, and from the same pulpit, in the evening, hear those doctrines called into question, what, he would ask, would be the result to the cause of true religion? What could result to the cause of true religion, but that which they must all deprecate, if the same half-educated people were called upon to hear a Trinitarian preach in the morning, and a Unitarian preach in the evening, or a clergyman of the Church of England in the morning, and an Antipædo Baptist in the evening? The noble Earl had charged the Church Commissioners with not having gone far enough in the work of reform. They had been for some weeks pretty loudly censured with having gone too far; but he believed, upon examination, it would be found that the Commissioners had pretty nearly agreed upon the right measures. Upon all these questions, however, there must necessarily be differences of opinion; the duty, therefore of the Commissioners was, to endeavour not to meet the wishes of all parties, but not to give just offence to any, and so to satisfy, as far as was consistent with the justice of the case, all right-minded and reasonable men. It was not his desire to enter further into this subject, but he could not refrain from laying before the noble Earl his most respectful remonstrance against the course of proceeding he had taken this evening. It was evident that the noble Earl had maturely considered this subject, and had come down to the House, not knowing that even a single Prelate would be present, or, above all, any one of the Ecclesiastical Commissioners, and had delivered himself at considerable length, and with much force on this subjest, when he ought at least to have given some intimation of his intention, in order that their Lordships might have been better prepared. He did not know that it was expedient or proper that he should say more. He trusted that what he had said would not offend the noble Earl; but when a general reflection was cast on the body, of which he was an unworthy member, he could not help recalling to the noble Earl, circumstances which might mitigate his censure, and which he ought not to have forgotten.

Viscount *Melbourne:* My noble Friend has acted with that fairness and manliness which belongs to his character in stating his difference of opinion with the prayer of the petitions with which he had been charged, but which, notwithstanding, those persons who had signed them, had most properly and most wisely still placed in and persevered in confiding to his hands. In the general principles stated by my noble Friend, I entirely agree. I entirely agree that there should be, in every parish in this country, an edifice connected with the national establishment, to which every portion of his Majesty's subjects should have free and unrestricted access. I entirely agree with the principles laid down upon this subject, and agree on the great importance of the subject itself. It is not, however, my intention to go into any details upon matters which will be hereafter brought under your Lordships' consideration, nor to anticipate those arguments which will be more completely developed when the whole question is regularly before you. But I beg leave, on the part of his Majesty's Government, to state that it is not their intention to introduce into Parliament any plan which would interfere with the revenues of the Church, but one which, I humbly conceive, would secure them in a much better, in a much more prudent, in a much more safe manner, and which would be less liable to insecurity and irritation than is possible in the present state of the law. I beg distinctly to state, that, in our opinion, the plan which we have to propose, will secure all these objects, and avoid all the inconveniencies and all the evils which I believe it is admitted on all sides belong to the present state of the law, and the present mode of its administration. With respect to all those matters which have been introduced by my noble Friend, in reference to the great question between the Church and the Dissenters, and with respect to the question as to who from the beginning has been in the right, or as to which party may have at some former time been intolerant or encroaching, this is a very large historical question, to be traced through a great number of years, during which time many faults, I dare say, will be found on both sides; many that were unavoidable, and many arising out of the peculiar character of the times and of individuals; but all of which it is unnecessary to go into on the present occasion, and of which I shall, therefore, say nothing further. I also feel myself relieved from the necessity of saying anything in defence of the Commissioners by what has been said by the right rev. Prelate who spoke in this debate. My noble Friend says, we have altered too much, and altered too little—that we have made regulations that have destroyed all principle—that we have broken in upon the fabric of the Church; and at the same time, that all these alterations are useless and inefficient for any good purpose. If we have done this, we have very much failed to execute our own purposes. My own intention has been entirely different. My own intention has been to form and to propose to this House such alterations and changes as should preserve the character of the Established Church, such as it has hitherto been in this country for many, many years, being a character which I consider in itself good and beneficial—a character to which this country is accustomed and attached, and which, in my opinion, ought not lightly, or on insufficient grounds to be altered. At the same time, while preserving that character, it has been our object to propose such a measure as should increase the efficiency of the Church, and secure to it a greater power of effecting those ends for which all religious establishments are instituted. I entirely agree with what has been said by the right rev. Prelate that we have been attacked upon different grounds and upon different sides. On the one side we have been accused of acting with the recklessness of a Wat Tyler or a Jack Straw; while, on the other side, we have been accused of acting with a timidity and a hesitation that is perfectly contemptible and unsuited to the character of the times. On the one side we are told by the heated advocates of the Church, that there prevails a lay and ministerial influence in that commission, which entirely overwhelms the right rev. Prelates, and prevents them from protecting the Church; while, on the other side, we are told, that we, the Ministers, are beset with a certain number of artful and rapacious churchmen, who do with us exactly what they please. Considering the variety of these accusations, and considering their inconsistency with one another, I cannot help coming to the very same conclusion with the right rev. Prelate, that when these propositions shall come fairly to be considered, it will be found that we have hit upon something like the just medium, and upon the whole, have proposed that which is the fittest to accomplish the great objects for which that commission was appointed. Into the other matters stated by my noble Friend, I do not mean to enter further on the present occasion; but I beg leave to assure my noble Friend, that with regard to the general principle, he has laid down upon the main subject embraced in the petitions, we entirely concur with him, and that it is our object to secure that principle, and that in attaining that object we have the most sanguine hope we shall be found to have succeeded.

Petitions laid on the table.

HOUSE OF COMMONS,

Tuesday, February 21, 1837.

Minutes.] Petitions presented. By Sir Robert Inglis, Lord Mahon, and other Hon. Members, from Chobham and other places, against Abolition of Church Rates.—By Mr. Herbert Curteis, and other Hon. Members, from Bury St. Edmund's, Wallinford, and other places, for the Abolition of Church Rates.—By Colonel Butler, Mr. W. Roche, Lord Clements, and other Hon. Members, from Navan, Donoughmore, and other places, for Municipal Corporations (Ireland) Bill.—By Mr. O'Connell, from Members of Trades Union, Dublin, for Reform of House of Lords, and for the extension of the Franchise; and from Donoughmore, Caher, and other places, for Vote by Ballot.—By Mr. O'Connell, and other Hon. Members, from various places, for Municipal Corporations (Ireland), Abolition of Tithes, and Vote by Ballot; and from St. Michael's and St. John's, Dublin, for the grant of Free Burial Grounds in the vicinity of that City.—By Sir E. Knatchbull, from the Guardians of the Isle of Thanet Union, for Poor Law Act.

Conduct of Members.] Mr. *Warburton* said, that two petitions had been placed in his hands, containing allegations very seriously involving the privileges of the House, and detailing proceedings directly in contravention of the standing orders of the House. The circumstances described in these petitions very materially affected the conduct of some hon. Members of that House, so far as those Members had entered into connexion with a certain joint-stock company, either now in being or about to be established. Although the circumstances detailed in these petitions were well deserving of a more lengthened notice, yet he thought that he should most consult the convenience of the House, without, at the same time, neglecting what was due to public justice, if he merely moved that the petitions be now read, and that they be printed and circulated with the votes; because, when these petitions should be in the hands of all the Members of the House, and especially of those Members whose names were implicated in these charges, then it would be competent for him to-morrow, or the following day, to call the attention of the House to this very important question. The petitions purported to proceed from the undersigned occupiers and owners of lands on the line of the proposed railway from Deptford to Dover. The petitions had only been put into his hands a few minutes ago, so that he had had no opportunity of communicating with the hon. Members whose conduct was called in question; but he believed that one of those hon. Members had been informed by the agent of the petitioners, that these petitions were to be presented this evening. He was anxious to conform to the line which had been laid down for the guidance of hon. Members on similar occasions to the present, and he would, therefore, merely move that these petitions be now read by the clerk at the table. Proceedings were now in progress which were likely to affect seriously various individuals, and he thought, therefore, that no time ought to be lost in proceeding to investigate this matter.

Sir *Edward Knatchbull* said, that as the line in question ran through the county which he had the honour to represent, he hoped he might be allowed to say a word on the subject. Not that he had the slightest idea as to what these petitions referred; he merely rose humbly to submit to the House, that the preferable course would be for the hon. Member for Bridport to give notice of his intention to present these petitions to-morrow, instead of moving that they be now read. This he felt would be the fairest course, because if these petitions were now read, a strong impression would be made on the minds of the House and of the public, which the parties affected would have no immediate opportunity of counteracting.

Mr. *Finn* was decidedly of opinion that any petitions or allegations affecting the character or conduct of Members of that House ought not to be laid before the House without an opportunity being afforded to the hon. Members concerned of making their defence at the same time, in order that the bane and the antidote might circulate together.

Mr. *William Duncombe* considered, that the hon. Members whose conduct had been called in question ought to have had notice of the presentation of these petitions, in order that they might have attended in their places, and have an opportunity of vindicating their conduct. He was, therefore, inclined to suggest that the hon. Member should defer the presentation until to-morrow or the day after.

Mr. *Wakley* thought, that if the Members of that House were desirous of discharging their duty to the public faithfully and independently, they would pursue the same course with respect to themselves that they were in the habit of pursuing with respect to the public. If the parties whose conduct was impugned had not enjoyed seats in that House, no scruple would have been felt in bringing forward any allegations affecting their characters; and why, then, he wished to know, should they act with this extraordinary delicacy in the case of certain Members of their own body? If they were not guilty, they would have an opportunity of refuting these charges and establishing their innocence; but, unless the petition were read, printed, and circulated previous to the discussion on the subject, the House would be wholly unprepared for that discussion.

Petition withdrawn.

Missing Whale Ships.] Sir *Robert Peel* held in his hand a petition, the presentation of which, owing to the peculiar nature of the statement contained in it, he did not feel it right to defer; and although the rule of the House prevented discussion on petitions in ordinary cases, he was sure that the House, in the present instance, would permit him to lay the subject before them. The petition was from Dundee, and related to the case of six vessels at present beset in the ice in Davis' Straits, and praying the House would take into consideration the case of the crews of these vessels, and that they would grant such sums as might be necessary to defray the expenses of their rescue. The petitioners complained, that the answers made by the Board of Admiralty to their memorials on the subject, had not held out that degree of encouragement to which they thought themselves entitled. He was perfectly certain, that no pecuniary considerations would prevent the House of Commons from interfering to any extent to which it was possible to interfere with effect. He earnestly recommended the prayer of this petition to the consideration of the Government, who, he apprehended, were more competent judges than the House of Commons of the advantages of immediate interference.

The *Speaker* thought the petition irregular, as asking for a grant of money.

The *Chancellor of the Exchequer* hoped that no considerations of irregularity would prevent the House from entertaining the petition. He was ready to admit, that on such a question, no considerations of money ought to stand in the way, nor had they; the question which had presented itself to the consideration of his Majesty's Government was, whether the exertions of Government could be usefully made. Government had been anxious not to establish a precedent that parties who might go long and dangerous voyages, without taking proper precautions, would be entitled, upon their meeting with difficulties, to the interposition of the Government in their behalf. If the case were made out, he was ready to admit the charge was a most serious one; but if the right hon. Baronet would move for all the papers connected with the subject, he would be ready to go into the whole question. The documents on the subject would show that Government had acted with the soundest discretion.

Sir *Robert Peel*, after the opinion given by the Speaker, would not press the petition.

Petition withdrawn.

Bank of Ireland.] Mr *O'Connell* said, the charter of the Bank of Ireland expired next month, and no proceedings had hitherto been taken with respect to its renewal. He had, therefore, been instructed by his constituents to ask the right hon. the Chancellor of the Exchequer, whether it was his intention to bring forward any measure relating to the Bank of Ireland?

The *Chancellor of the Exchequer* said,

the hon. and learned Member was aware that a Committee had been appointed a few days ago, to inquire into the nature and operation of the Joint-stock Banking Companies, and as that inquiry was extended to Ireland, he was not disposed to take any step until they fairly ascertained upon what principle those Joint-stock Banks were conducted, especially as the principal portion of the business in Ireland was divided between the Bank of Ireland and the Joint-stock Banks. The decision to which the Government would come respecting the renewal of the Bank of Ireland charter, would, in a great measure, depend upon the result of the inquiry before the Committee.

MUNICIPAL CORPORATIONS (IRELAND) COMMITTEE.—ADJOURNED DEBATE.] The Order of the Day for the Adjourned Debate on the Municipal Corporations (Ireland) Bill having been read,

Mr. Sergeant *Jackson* proceeded to observe, that he should have been glad to have been spared the necessity of again intruding upon the patience of the House, as he had on a former occasion partaken largely of its indulgence; but he trusted the House would be of opinion that the allusions which had last night been made to him, in the speech of the noble Lord on the opposite benches (Morpeth) had rendered it imperative upon him to present himself to its notice, in order that he might justify the statements he had made when he last addressed them, and vindicate the conduct of those with whom he had had the honour to act. He had not voluntarily put himself forward in a former debate, but he had risen on account of observations which fell from the noble Lord, the Home Secretary, on that occasion, in order to justify the resolutions, and more especially the 13th resolution, which had been passed at the Protestant meeting in Dublin. The noble Lord had himself thrown down the gauntlet, and stated, that he was prepared to defend the conduct of the Irish Government, which was impugned, thus identifying himself with the acts of that Government. He, therefore, having taken an active part in the proceedings of the Protestant meeting in question, had thought it his duty to come forward in justification of those proceedings, with which the noble Lord had been pleased to find fault. The learned Sergeant, after complaining that he and the other Irish Members, who thought with him had been taken by surprise by the noble Lord having provoked a discussion on the first introduction of the Bill, and that they had thereby been prevented from getting over from Ireland the information they wished to procure, in sufficient time to make use of it satisfactorily on that occasion, said, that he had then brought charges against the Lord-Lieutenant, which charges he would now repeat—and of which no one single fact had since been successfully impugned. Which of those charges had the noble Lord attempted to refute? Had the noble Lord affected to deny the grave and solemn charge that the Lord-Lieutenant of Ireland had selected for promotion to an elevated station, a gentleman who was a member of the National Association? That circumstance comprised the first charge against the Lord-Lieutenant, and the noble Lord had admitted the fact to be true. Had it been denied that Mr. Cassidy had been appointed a magistrate of the Queen's county after having resisted the payment of his rates? He was prepared to make good that assertion, and would call upon his hon. Friend, the Member for the Queen's county, to come forward and move for copies of the correspondence between the Lord-Lieutenant of Ireland, and the Lord-Lieutenant of the county in question, as a proof of the fact that Mr. Cassidy was not considered a fit person for a magisterial appointment by the Lord-Lieutenant of his county. Another charge which he had brought against the noble Lord at the head of the Irish Government was, that in the exercise of the Royal prerogative of mercy, that noble Lord had made a wholesale delivery of the prisoners confined in the different gaols in that country. Had that charge been disproved? He had been furnished with returns, in connexion with that subject, from three counties in Ireland, which fully justified him in making the charges he had brought forward. The noble Lord had last night contented himself with selecting a particular case, in order to show that the prerogative of mercy had been exercised in a proper manner; but did that amount either to a vindication or denial of the fact, that the Lord-Lieutenant had acted in these matters, without consulting the Attorney-General, and the other legal functionaries to whom it was usual in such cases to make application?

He had stated the case of a person of the name of Macnamara having seized a voter and imprisoned him for the purpose of preventing him from voting during an election. The Lord-Lieutenant had relieved Macnamara from imprisonment for that offence. That charge had not only not been denied, but had not even been adverted to in the remotest manner. Had the noble Lord then succeeded in overthrowing any one of those charges, which, on a former occasion, he had brought forward agains the Lord-Lieutenant? The noble Lord had, last night, made a most able, ingenious, and efficient speech—a speech which obtained great applause, and yet no more than it deserved; but it contained no answer to the accusations and charges he had brought forward against the Irish Government, although one of the best speeches he had ever heard in support of the cause which the noble Lord advocated. In six counties in Ireland, which he was prepared to name, no fewer than 145 individuals had been discharged from gaol who were under sentence of imprisonment for every sort of crime. But all that the noble Lord could say in reply to that statement was, that those individuals had been liberated upon the recommendation of the governors of the gaols, whom he was in the habit of hearing termed gaolers. The noble Lord, in his speech of last night, had gone through several of the cases which had been mentioned, and said he "would strip them of the colouring," given to them. Now, before he sat down, he would give the noble Lord an opportunity of examining those cases more minutely. The noble Lord had last night come down to the House without his papers, and in that respect certainly might have laboured under some little disadvantage; but the noble Lord had also had a fortnight to investigate the cases he had drawn his attention to when he last addressed the House upon this question, and he could not now plead that he was not prepared to meet the charges they contained. Now, with regard to those cases, the noble Lord had last night selected that of an individual named Maguire, who was liberated by the Lord-Lieutenant when he inspected the gaol at Cavan, and who had been sentenced to transportation, as the noble Lord himself admitted. He was not, before the noble Lord's own admission, aware of that fact. In this case the Lord-Lieutenant of Ireland made an application to Baron Pennefather, the experienced and considerate Judge before whom the prisoner was tried; but that learned Judge, a merciful one as he notoriously was, did not consider him worthy of the exercise of the royal prerogative in his favour. Notwithstanding this, however, the sentence of transportation was commuted, and soon afterwards he was relieved from imprisonment altogether. But what was the answer of the noble Lord opposite to this charge? Why, that all the magistrates of the county concurred in recommending his discharge from prison, "as he had only fired the shot," which he was found guilty of firing "out of bravado, and was too far off to do any harm." Now, here was the verdict of a jury wholly superseded, and of a jury which had decided as to the felonious character of the firing—who had declared it to be a firing with a malicious intent. Here was a case where the Judge who tried the prisoner, and who, if he had chosen, might himself have corrected the verdict—had assured Lord Mulgrave that it was not a proper one for the exercise of mercy. But it was all an idle story—and here, let him observe, that he meant nothing personally offensive to the noble Lord; it was neither his habit nor his disposition to do so; and he appealed to the House whether he had too personally reflected upon a single human being. He had, however, been accused in one quarter of having maligned and slandered Mr. Pigot and Mr. Tighe. He had been accused of speaking of a "person" of the name of Tighe, whereas he had spoken of a "gentleman" of that name. But the newspapers which advocated the principles of hon. Gentlemen opposite sometimes found it convenient to make misrepresentations. He could not have slandered Mr. Tighe, for he was a gentleman of whom he had no personal knowledge whatever. He had been accused also of speaking with disrespect of Lady Mulgrave. But what had he done? It had been impossible for him to refer to the circumstances of a case in Londonderry, wherein the prerogative of mercy had been exercised, without at the same time referring to the letter of Lady Mulgrave to the wife of the prisoner, who was on that occasion liberated. He would not, however, hesitate in saying that in writing that letter he was sure Lady Mulgrave was actuated by the most humane and the kindest feelings. It was very convenient for hon. Gentlemen on the other side of the House, when stubborn facts could not be rebutted, to get up something which appealed to public feeling. But let him return to the case of Maguire. Had the noble Lord opposite attempted to say, that the sentence of transportation had been got rid of by the reference to the learned Judge who tried him? It was said that the gaolers would not be answerable for his living unless he were set free. But why had there been no reference to the medical visitors of the gaol? Instead of that, all they had was the testimony of the gaoler, the under-gaoler, and the inspector. That was no answer to the charge. The main body of the charge was, that the Lord-Lieutenant ought not to have interfered in the matter without reference to the tribunal before whom the prisoner was tried. The hon. Member for Belfast had last night brought forward the case of an individual of the name of Macgrath. What was the reply of the noble Lord in that case? The noble Lord said he was recommended to pardon by the jury. Was there a particle of justice or justification in it? Did it not show the heedless and careless manner in which Lord Mulgrave exercised that delicate and important office of the Crown, the prerogative of mercy? It was the bounden duty of the Lord-Lieutenant in this case, as it was in every other, to ascertain before what Judge the individual had been tried. It was no answer to say he did not know, when, upon making proper inquiry, he could not have failed to learn. He recollected that the noble Lord, the Home Secretary, had made a similar excuse with regard to a case which occurred in Londonderry, wherein both Catholics and Protestants were concerned, and where the former had been sentenced to a shorter imprisonment than the latter. In that case the noble Lord stated, that what was done was the result of the recommendation of the jury; but he had been given to understand that some of the jury had disavowed having put their names to that recommendation. But, supposing that document to be quite perfect, he did not know how the use of it by the noble Lord was any answer to the statement which he had brought forward. Was the noble Lord so ignorant of the state of Ireland as to think the recommendation of a jury, under such circumstances, was a sufficient and legitimate ground on which the Lord Lieutenant of Ireland was justified in dispensing with the ordinary course of the law? But though there was a possibility that a juror acting in the jury-box might, under the obligation of an oath, set aside all intimidation, and give a verdict that was above all imputation and suspicion, the case was quite different with respect to any recommendation signed by a jury after they had acquitted themselves of the obligation of their oath. It was quite a different thing when the friends of the party convicted, came to the juror at his own home, and asked him to sign a document of this nature. The customary address on occasions of this nature was. "Sure, Sir, the poor fellow never did you any harm, and surely you won't object to sign this recommendation for him." Now he had no hesitation to say, that any juror who in Ireland refused to concur in a representation of this kind, when applied to, would not only make such refusal at the risk of his own life, but would jeopardize and risk the safety of his family. He repeated what he had said, and begged to tell the noble Lord, that there were many parts of Ireland where it would be unsafe, and dangerous to make such a refusal. He appealed to Gentlemen who were personally connected with Ireland to bear him out in what he had said. It was his opinion that Lord Mulgrave would have produced much more good to the peace of the country, and to have dispensed the laws with much more advantage, if he had not attended to a recommendation proceeding under such circumstances from a jury who, after a full investigation of the case upon oath, had found a verdict of guilty. The noble Lord had referred to another case brought forward by him, namely, the case of Carter. Now he had never brought forward the case of Carter as coming under either of those heads under which he had classified the charges he had felt himself bound to make against the present Government. Those were, first, the abuse of the prerogative of mercy; and, secondly, the improper dispensation of the patronage of the Crown. He had mentioned the case of Carter merely for the purpose of illustrating the impolicy of the directions issued by the late Attorney-General with respect to giving up the right of the Crown to set aside jurors in cases of trials for murder. The noble Lord had on this subject produced a letter, written by Mr. Tickell, a gentleman, he readily admitted, of the utmost respectability. Mr. Tickell was the prosecuting counsel in this case; and in his letter he stated two or three grounds on which he rested for the impeachment of the accuracy of the statement, he (Mr. Sergeant Jackson) had previously made in the House. In the first place, Mr. Tickell, from having read some incorrect report of what he had said, had incorrectly attributed to him that he had stated that on one of the trials a person had been put upon the jury who was suspected of having been concerned in the murder for which the prisoner was tried. Now he had not said any such thing. What he had said was, that a party who had been assisting the prisoner in challenging the jury was transferred into the jury-box, and that no attempt was made to set him aside either on the part of Mr. Gale or Mr. Tickell. He had before him at present, a report of what took place at the trial, and every fact that he had alleged with respect to this case he would be able to prove before a Select Committee. He therefore hoped that the noble Lord would not shrink from this inquiry, or refuse to grant the Committee, and enable him (Mr. Jackson) to prove those facts that he had alleged. In the report of this trial to which he referred, it was distinctly stated, and he was instructed that the fact could be fully proved, that a person who was assisting the prisoners in their challenges was afterwards transferred into the jury-box, and was one of the parties who, as jurors, tried the prisoners. He would not say that Mr. Tickell or Mr. Gale must have seen this individual so assisting these prisoners, but when an objection was subsequently taken to his being placed upon the jury, Mr. Tickell referred to the instructions which he had received from the Attorney-General, and refused to set him aside. Now, after the swearing in of this man upon the jury, could there be a doubt what would be their decision? There was no verdict. He had stated that on the second trial a person convicted of a violation of the law was sworn on the jury, and, as might have been anticipated, there was no verdict. The noble Lord in referring to that part of his statement, had found fault with his having used the designation convict, as meaning that he was a person guilty of an offence similar to that for which the prisoners were tried. Now what he stated was, that a person was on the jury who had been convicted not of a similar offence, but of an offence of a similar class. Why, did any man mean to deny that it was not a similar class of offence to be convicted of a riot at which a manslaughter had taken place? This man was convicted of having been concerned in a riot at the fair of Rathdowney, at which a man was beaten to death. He had never meant to say that this man was convicted of murder, nor even of manslaughter, but what he had stated was what he now repeated, that he had been convicted of an offence against the peace and law of the land, and that he was unfit to serve upon a jury. It was not a question of the amount of the charge upon which this man had been convicted. It was enough that he had been convicted of an offence against the peace and law of the land; and when the counsel for the Crown were asked to set this man aside, they refused to do so. Indeed, so remarkable was this circumstance, that the learned Judge before whom the trial took place in charging the jury, adverted to the circumstance of the Crown not having exercised its privilege to set aside jurors, whilst the prisoners had liberally exercised their right to challenge, and he expressed a hope that a jury, in whom so much confidence had been placed, would discharge their duty to the satisfaction of all parties. Now, he would ask any man of common sense what was the plain and natural consequences of the Crown waiving its prerogative to set aside jurors, whilst the prisoners exercised an unlimited right to challenge as many as they pleased? Why the practical result of such a system would be (and he defied the noble Lord to show it could be otherwise) that persons in Ireland charged with capital offences would have it completely in their power to pack the juries by whom they were to be tried. The hon. and learned Member for Kilkenny, amongst many other statements equally well founded, had charged him with being an advocate for packing of juries. Now there never was a human being in existence less capable of deserving such an imputation than he was. He believed the hon. and learned Member had called this surrender of the important privilege of the Crown by the mild term of an innovation. He was opposed to all packing of juries, and it was because this innovation enabled those charged with capital offences to pack juries that he opposed it, and would *totis viribus* always continue to oppose a system pregnant with such evident and practical evil. Why, under this system it would be much better for a man to be charged with murder than go to trial for the stealing of a pocket handkerchief. In the former case he would have the advantage of choosing his own jury, which in the latter case would be denied him. They all knew that if one black sheep got into the jury box there would be little chance that the course of justice would not be impeded—if one jury man was determined that there should be no verdict it was no matter how the other eleven might be disposed to act. Now he considered that in Carter's case justice had been shamefully frustrated by the course that had been pursued. He would now take the liberty to call the attention of the House to another case in addition to those he had already brought forward, as illustrating the wisdom by which the Lord Lieutenant's conduct had been distinguished in the course of his visits to the different gaols in Ireland. He was not at present able to state fully all the particulars of the case, but he had no doubt that a return of the names and cases of all persons who had been the objects of the viceregal clemency which he had moved for a few evenings ago would fully bear him out in the statement which he had to make in respect to the case which he would now mention. A person in the employment of a maltster, in the north of Ireland, was convicted under the 7th and 8th of Geo. 4., cap. 52, sec. 46. He was convicted of no trivial offence, namely, that of having maliciously malted corn with the view of subjecting innocent parties to the penalties provided by the law. Now, the section of the Act under which this man was convicted specially provided that any person convicted under this Act should suffer an imprisonment of not less than three nor more than twelve months from the date of his commitment, and such person for the whole time should be subjected to hard labour; and the Act specially provided that under no pretence, or under no authority or order, such person should be released from his imprisonment until he had completed the full period of his sentence. But what did his Excellency the Lord-Lieutenant of Ireland do on his visit to the prison where this man was confined ? He ordered his discharge before the term of his sentence was completed. This was done in direct contravention of the provisions of this Act of Parliament, and if Lord Mulgrave had been in ignorance of the existence of this Act that was no justification, for if he had taken the trouble to refer to the tribunal before whom this individual had been tried, they would have informed him that such a statute was in existence and they would have advised him that he ought not to interfere with its enactments. He would now refer to a case of a different description, and under another head. It was a case of the improper exercise of the patronage of the Government. Amongst the late appointments to the situation of stipendiary magistrates in Ireland he saw the name of Lawrence Cruise Smith; and, with respect to the appointment of this individual, he would trouble the House by reading a letter which he had received. This gentleman so appointed was a Member of the National Association of Ireland; but before proceeding further he would read the following letter:—

"I take the liberty of mentioning, for your information, a circumstance relating to Mr Laurence Cruise Smith, of Snugborough, in this neighbourhood, whose name you may see gazetted as one out of nine stipendiary magistrates just appointed (in the *Evening Packet* o the 9th instant.) This gentleman (a justice o the peace) was sitting at the petty sessions in this town about a year since when an individual (Patrick Cruise, a painter in the village) accosted him, and demanded from him payment as an electioneering agent for Meath at the contest in 1831, Mr. Smith being as he alleged, one of the committee for Mr. H. Grattan the then rejected candidate. After some altercation, Cruise concluded by telling him in the face of the Court that he was a pretty person to sit on the bench of magistrates, having, at the time of the aforesaid contest, endeavoured to engage him (Cruise) to burn the flagyard of Mr. Richard Sheil, at Dollardstown, because he refused to vote for Mr. H. Grattan, in opposition to his landlord, Sir M. Somerville. And this statement Cruise at the time declared himself ready to verify on oath. Mr. Smith's only reply to this grave charge was, that if he wanted to do so it was not likely he would apply to such a blackguard. Sir William Somerville, who was on the bench at the time, told Mr. Smith publicly that he was bound to exonerate himself from so foul a charge by prosecuting the author of it. Within a day or two after, at the meeting of the turnpike board, at Primatestown, it was alluded to as a laughing matter by Mr. L. C. Smith, in the presence of Lord Killeen, Sir W. Somerville, and several magistrates; amongst others Henry Smith, of Annsbrook, when he was openly told, that it was too serious a charge to make a joke of, and that, in the opinion of his brother magistrates, he was called upon to take steps to clear himself of the imputation. From that day to this he has never done so—whether by demanding an investigation, or by prosecuting the individual for the slander. And now he is elevated to the post of stipendiary magistrate. I have been informed by a serjeant of police very lately that Cruise detailed the whole transaction to him as he alleged it occurred, and that his statement fully bore out the charge as far as it went".

Now, here was a case in which, in the first place, an individual was selected to fill the office of stipendiary magistrate who had filled the chair at meetings of the General Association of Ireland. The noble Lord had said that no person had yet gone the length of saying that that Association was illegal. Now, the hon. and learned Member for Dublin (Mr. West) and himself had gone the full length of declaring that to be an illegal Association. He had been in communication with persons in this country upon the subject, and he found that the opinion of some of the most eminent legal authorities was that this was an illegal Association. It was illegal as to its objects, and illegal as to the means by which it sought to accomplish those objects. He had no hesitation in saying that he considered it a conspiracy for defeating the laws of the land, and interfering with the subject. He asked what justification could there be of the conduct of the executive Government in Ireland in selecting for a seat on the magisterial bench for the administration of the law a person who had presided at the meetings of such a body as this? When the Constabulary Bill was brought forward the Government had stated that they would exclude all individuals who belonged to any illegal associations, and a clause was specially introduced to prohibit any persons members of the Orange Society from holding the situation of police constables. He considered that in thus appointing individuals who had been conspicuous as partisans, the Government had broken faith with the House and with the Protestants of Ireland, and had been guilty of a violation of their duties as his Majesty's Government. If the facts stated in the letter which he had read were well founded, and he had every reason to place the fullest confidence in the authority on which he stated them, he would ask, could there be a more improper appointment than that of Mr. Smith? The next case to which he would call the attention of the House was remarkably illustrative of the mode in which the Lord-Lieutenant had exercised the prerogative of mercy during his visit to the country of Leitrim. On this subject he would now read the letter of a professional gentleman of respectability, and who had given him permission to make any use of his letter that he thought necessary:—

"I am enabled to give you some information of Lord Mulgrave's doings in his recent tour of general gaol delivery through the county of Leitrim. There were upwards of twenty persons, charged with various offences, enlarged by Lord Mulgrave, in person, from the gaol of Carrick-on-Shannon. Some had been tried before the Judges of Assize last summer, and others at the July Sessions preceding Lord Mulgrave's arrival. Some under rule of transportation for larceny; one for intent to do some bodily harm, under Lord Ellenborough's Act; and two ringleaders, named Michael Burne, and a man nicknamed Tinker Glancy, were tried and convicted before the Assistant-Barrister, Mr. Finlay (a Whig, too). The former was convicted on four or five separate indictments for riots and assaults in fairs and markets, and his sentence was six months for the first offence; six months more, in addition, for the second offence; six months more, in addition, for the third offence; and one month more, in addition, for the fourth offence, a common assault—in all nineteen months, and every alternate month, for twelve months, to be kept to hard labour. Glancy (called the Tinker) was convicted also on different indictments, and his sentence was twelve months, and every alternate month to be kept to hard labour. Yet these are the men selected by Lord Mulgrave, in the plenitude of his power, upon whom he deemed it necessary to exercise the prerogative of the Crown, and that before the arrival of another quarter sessions, or consulting the barrister or magistrates, as I have been informed and believe; and, so far from this being a check upon outrage, I have seen Michael Burne, shortly after his enlargement, arraigned before the magistrates for disturbing the peace; and, so far from Lord Mulgrave's merciful intentions having had any salutary effect upon the peace of the country, an attempt has since been made to take the life of the Rev. Mr. Hogg, an exemplary Protestant clergyman (and a curate, too), and burn his premises. Yet what was the reward offered by the Government?—50*l.*! while private subscriptions have been offered exceeding 400*l.*"

This was, as he had already stated, the letter of a professional gentleman, who would, if necessary, come forward to prove what he had alleged. [Mr. *O'Connell:* "Name."] He should have no hesitation to name his authority on a proper occasion; but the hon. Member knew well how safe it was for individuals who gave information of this description to have their names before the public. On a proper occasion he would name him. Let the noble Lord grant a Committee of Inquiry, and he should be able to prove the facts by evidence. The hon. and learned Gentleman had only to refer to the proceedings before the Intimidation Committee to be enabled to decide whether he would be justified in naming this individual. A case had been some time ago mentioned to shew the difficulty which, in the present state of Ireland, clergymen had to encounter in effecting insurances upon their lives. He had recently been put in possession of an instance where a clergyman applied to have his life insured, and a special proviso was put into the policy, that if he met his death from illegal violence or assassination the policy should become void, and that all money paid on the insurance should be forfeited. He asked, could anything more forcibly show how the whole state of society was unhinged and human life and property placed in daily peril by the present state of things that prevailed in Ireland? He had now to produce another case, showing the good effects that had followed from the exercise of his Excellency's clemency. It was a case that occurred in the city of Cork. He would read the following extract from a letter he had received:—

"There was, however, a curious instance of the bad effects of his Excellency's clemency, in the case of Margaret Lynch, who was convicted on the 23rd of October, 1835, of stealing in the dwelling-house of Mr. George Langley. She was discharged by his Excellency, and was tried again on the 12th of August, for breaking the windows of George Langley on the 29th of July, when it appeared that she had been on that day discharged, by order of the Lord-Lieutenant, and went straight from the gaol to take vengeance on Mr. Langley, by breaking his windows. However, it seems thas she had worked out nine months of her conviction. When his Excellency visited the prison, he asked if there were any for first offences. The Doctor pointed out some in the corner of the room, to which they had reached, and some of the prisoners, hearing what was said, became clamorous, and he asked a few questions respecting some of them, and then desired a list to be sent him of the names, and length of imprisonment of those he pointed to, and without any further, or particular inquiries as to each case, or other reference, sent orders to the governor of the gaol (alias the gaoler, who is so styled) for liberation."

He would add to this another case, which he stated on highly respectable authority, and it was communicated to him as follows:—

"An individual, named Joseph M'Cormick, was sentenced at the Spring Assizes, held at Trim, in the last year, to transportation for life, for having stolen two cows from the lands of Mrs. George Sandy, resident in this parish. During his detention, however, in gaol, previously to removal for transportation, a memorial was drawn up by his own immediate family, or former associates, containing a tissue of falsehood. Upon said memorial, the prisoner's sentence was commuted to imprisonment for one year. This mitigation, however (obtained upon utter misrepresentation), was not deemed sufficient, the prisoner having been released by the Lord-Lieutenant, on his late visit to Trim, previously to the expiration of the legal term of confinement. M'Cormick's first act, upon liberation, was to summon Mrs. George Sandy to the Sessions of Duleek for an alleged debt, which she was so far from having incurred, that, in the particular instance of his claim (not to mention others), she had showed him the most unbounded kindness. His claim was not only rejected by the magistrates, but M'Cormick himself was remitted to gaol, upon Mrs. Sandy's affidavit of dread to her property from his persecution. The prisoner left the Court of Duleek, acknowledging that he could not in Ireland find two securities in ten pounds each, and subsequently, on his way to gaol (where he now is), told the serjeant of police that he had summoned Mrs. Sandy for the mere purpose of annoyance and revenge. His character (quite irrespectively of this transaction) can be proved by respectable witnesses to be a most abandoned one."

The noble Lord had referred to the state of the calendar, to show that crime had diminished in Ireland; but he would tell the noble Lord that a more fallacious criterion he could not have taken. It was a notorious fact—a fact of which the noble Lord could not be ignorant—that the more rampant crime was in a country, the less likely it was that its real extent would appear on the face of the calendar. The party must actually be in custody before his name was inserted in the calendar; and, as was well known, the more extensive crime was in Ireland, the less probability there was of having the perpetrators brought to justice, owing to the reluctance of prosecutors, and the apprehensions of witnesses. So far, therefore, the calendar could not be a true criterion of the state of crime; on the contrary, he maintained that the smaller the calendar was, the stronger was the evidence which it furnished of the audacious extent and height of crime that existed. But what was the calendar which the noble Lord had taken in support of his assertion? Why, the Judge's calendar of the last Summer Assizes. The noble Lord ought to have known that this was, of all others, the most fallacious callendar that he could have selected. The interval between the Spring and the Summer Assizes, embraced a period of only four months, and had not the noble Lord been long enough in Ireland to know that it was in the winter, rather than in the summer season, that crime was most extensive? The long and dark nights of winter were the most favourable, not only to the perpetration, but to the concealment of crime, and, consequently, nothing could be more fallacious than the criterion which the noble Lord had brought forward. He would not weary the House by going through the whole of the counties of Ireland, but he hoped they would let him call their attention to the state of crime in one of them, the county of Tipperary, during the last year. There were no fewer than 1,567 persons committed for offences of various kinds to the gaols of that county, during the last year; and if the House would indulge him with their patience, he would shortly enumerate the heads of some of the crimes with which these persons were charged, together with the number in each class. They were:—For murder, fifty-four; for shooting at with intent to murder, twenty; for assault, with intent to murder, seventy-three; for manslaughter, fifty-one; for sacrilege, eleven. There was another crime which had not until lately been known in Ireland, and which he sincerely regretted should be found to exist there at all—that was the crime of assault with an unnatural intent, and the number committed for that crime, he was sorry to say, was no fewer then twenty-one. These were some of the principal of the crimes for which these 1,567 persons had been committed in the county of Tipperary; but he would not take up the time of the House by going further through this black catalogue of atrocious offences. He would now ask the noble Lord, who had spoken so vauntingly about the diminution of crime in Ireland, whether he had seen the police reports which had been transmitted to his office in the Castle? Had he seen the report which had been received from the police magistrates of Dublin? If he had not been misinformed, the noble Lord had received a report from those magistrates, informing him that, so far from crime having diminished since the last summer, it had increased, not merely by the score, but by the hundred. He had received a letter from a gentleman who had seen the report, forwarded to the Government-Office, and in that letter it was distinctly stated, that every description of crime had frightfully increased, with the exception of three, namely, treason, sedition, and one other crime. If the noble Lord had received such a report as this, ought he not to have stated the fact. He had received copies of the *Hue and Cry*, and the last that had reached him certainly did not go to confirm the statement made by the noble Lord; but it was clear that the noble Lord had not seen this document, or he never would have stated, as he had done, that an improvement had taken place in Ireland with respect to crime. He had not received the *Hue and Cry* of Saturday last, but he would give to the House a summary of the contents of the previous one, for the weeks beginning the 12th of January, and ending the 11th of February. Now what were the particulars of the offences which appeared by this official document to have been committed in a single month, and the rewards which were offered by the Government for bringing the perpetrators to justice?—

Jan. 12.—	House burning	30
	Ditto with corn and potatoes..	40
	Armed parties attacking six houses and robbing arms ..	40
17.—	Attacking houses and murder	100
24.—	Murder of one and severe beating of others	40
25.—	Murder...............	50
26.—	Attacking two houses, robbing guns and firing	50
	Murder, firing shots, and beating	50
27.—	Maliciously attacking churches in the county of Dublin....	40

30.—	Placing stones on road to upset and rob Cork mail........	30
Feb. 1.—	Firing at and wounding..... ..	50
	Forcibly attacking a house and beating a man and his family	40
	Breaking into a house, beating a man until he was insensible, and also beating another man, his wife and daughter..	50
7.—	Attacking and wounding soldiers........	50
	Attacking glebe house, and throwing stones into it	30

The attack on the soldiers was a most atrocious one, but he should best describe it by reading to the House the proclamation in which the reward for the apprehension of the perpetrators was offered:—

"And whereas it has been represented to the Lord-Lieutenant, that on the 31st ultimo, as a party of military, consisting of a corporal and two privates of the 22d Regiment, were escorting a deserter from the 66th regiment from Tipperary to Michelstown, they were attacked near the wood of Glengurra, parish of Kilkenny, and county of Limerick, by upwards of fifty persons, who beat them in the most savage manner with stones, fractured the skull of one, inflicted four severe wounds on the head of another, and stabbed the third with his own bayonet, enabling the prisoner to escape."

Now, he asked, did this document bear out the statement of the Noble Lord? He might furnish similar proof of the fallacy of the noble Lord's statement from other counties, but he would only instance the county of Cavan to show that the use which the Lord-Lieutenant had made of the prerogative of mercy in enlarging prisoners, so far from diminishing crime, had tended only to increase it. They had heard that pacificators had been sent by the Dublin Association through the country, for the purpose of promoting peace, and getting names placed on the registry. He had received letters from three persons of the highest respectability and credit, residing in the county to which he referred, on the subject of the proceedings of these pacificators. The first of these letters contained the following statement:—

"The Dundevan tenants were all visited, a few nights ago, by a body of at least 400 men, who ordered their workmen and servants to leave them, on pain of death, which they have done accordingly. They fired a shot at each house after delivering their message. I hear ——— and ———, of ———, have been visited in like manner as the Dundevan people, and their workmen and servants ordered away. Intimidation and terror are the order of the day, intended to operate on the registry. The priests are the whole and sole cause of all these violent practices. One of the labourers and servants of the Dundevan people went to the priest to know whether they might finish their halfyear which is nearly expired."

This, then, was the peace which the pacificators had produced, and these were the means by which attention to the registry was enforced. The next letter he should read was dated the 25th of January. It was as follows:—

"On Monday night, the 23d instant, a large party of Dan's nocturnal legislators assembled at some place near the New Mills, and came down to a land called Wenies on the old road from Cavan to Castleterra, to the house of a Philip Reilly, that they thought ought to have registered last sessions; and after giving him their directions, and threatening him with all kinds of destruction, they left him firing several shots; their music began, and they marched to Castleterra, and then to, Drumgoohan, the property of the rev. Wm. Beatty, where I live, and visited Charles and Edward M'Cabe, and Phillip Tully; and after using the same kind of arguments they had used before to Reilly, and firing several shots, they went to Cloneny, to the Wood Ranger, Peter Smith, who had some people summoned for the next day, for cutting timber, and used such threats, &c., to him, that he declined to prosecute.

"A similar party has been parading in the adjoining parish of Drung, threatening destruction to all who pay tithe."

Was the noble Lord surprised that he did not find in the calendar a report of crimes like these—crimes that were sufficient in themselves to shock the frame of any society? But when it could not be denied that such a state of things existed, and that, too, to a serious extent, was it not a little too much to be told that crime in Ireland had diminished? He hoped the House would allow him to read to them one other instance of the result of that miscalled species of peaceful agitation pursued by the pacificators. The letter to which he now referred was dated the 1st of February, and it contained the following passage:—

"I am just this moment informed by F. Thompson, Esq. J.P., that it appeared in evidence at Cavan Petty Sessions, yesterday, sworn to by five or six witnesses, that these parties visited the houses of several persons who had leases, which they made them produce, and threatened them with destruction if they did not come forward to register next Session."

He would not trouble the House with any more cases of this description, though he had many others which he might adduce. He thought he had now shown that the noble Lord had not displaced a single fact contained in the statement which he had originally made, and that the charge which he had been compelled to bring forward against the Executive Government of Ireland was fully established. Indeed, the noble Lord had not undertaken to deny that charge; on the contrary, he had in terms admitted it. He could not, of course, expect the noble Lord to give any answer to the additional facts which he now stated; but perhaps his hon. and learned Friend (Mr. Sheil), who had just returned from Ireland, and had no doubt made it his business to get full information on the subject, would be able to satisfy the House that the whole of the statements was unfounded. Before he sat down he wished to mention another case, that of Lord Miltown, who had been in the commission of the peace for the counties of Dublin and Wicklow, but was dismissed from that office by Lord Anglesey, because he had taken part at anti-tithe meetings. After his dismissal Lord Miltown became a member of the Roman Catholic Association, presided at its meetings, and made speeches, to say the least of them, of a strong nature; and what was the result? Why that he was taken by the hand by Lord Mulgrave, and restored to the commission of the peace. He was sensible that he had trespassed too long on the attention of the House. He thanked them for the indulgence which they had shown him, and would now sit down, repeating the charge which he had made against the Executive Government of Ireland of having abused the prerogative of mercy. He was ready to prove that charge, and if the noble Lord would grant him a Committee for the purpose, and he invited him to do so, he would undertake to substantiate every statement which he had made.

Mr. *Smith O'Brien* observed, that the hon. and learned Member who had last spoken, had addressed the House for an hour and three quarters, and yet there was not one word in all that long speech that bore upon the question then before the House. The question for debate was whether municipal corporations were to be granted to Ireland. After the able and powerful manner in which the subject had been discussed, he felt that he had not the power to add perhaps anything to the arguments which had already convinced the House that they ought to pass such a Bill; but the country to which he belonged had a claim upon her representatives to enforce the demand which was now made, and to appeal (and he was sure it would not be in vain) to the sympathies of the British people, and of that House. He had to consider the arguments of their opponents, which might be placed under a few simple heads. One set of Gentlemen contended that corporate institutions were not necessary for good government in any country, and they instanced Birmingham and Manchester to sustain their arguments. By others it was contended that they would, by passing this Bill, transfer a monopoly from Protestants to Catholics, and especially that it would increase the power of an individual possessed already of enormous power in Ireland. It was also contended that municipal corporations would be merely schools for agitation, and those persons considered the new corporations would be the means of severing the connexion between the two countries and the subversion of the Irish Protestant Church. As far as he could understand the question, this was the sum of the reasoning against which he had to contend. If the argument were as to central administration, or the local administration of affairs in the cities and towns in Ireland, that, he admitted, would be a most important point to discuss. According to this Bill the functions which had hitherto been performed by a complicated system of boards would devolve upon those local bodies who had the best opportunities of knowing how they ought to be performed. He alluded to the maintenance of the poor, and the regulation of institutions for their relief, everything that affected the education of the people, everything connected with public works, and other such objects. The noble Lord, the Secretary for Ireland, had placed this question upon its true footing when he told the House that it was not a question whether they should have central or local authorities—whether they would abolish or reform corporations—but whether, after passing a Bill by which the people of England were permitted to exercise the functions of self-government, that House was to turn round and declare to the people of Ireland that they alone were unfit for the exercise of these privileges. No analogy could be drawn between a system of government based on self-election, and one based on a reasonable representation. The hon. Gentlemen on the opposite side of the House were not justified in supposing that if the Catholics of Ireland possessed unqualified power they would refuse to select and appoint Protestants equally and indiscriminately with Catholics. Every day's experience proved the contrary. With respect to the argument that was used against the Bill, that it would increase the power of the hon. and learned Member for Kilkenny, he approached this subject with some delicacy, but he was bound to say, that if the conduct of that hon. and learned Member were as reprehensible as was represented by his enemies, that would form no just reason for disfranchising all the constituencies of Ireland, and depriving them of their municipal rights. If he were sure that the power of the hon. and learned Member for Kilkenny would be increased, and, more, if he were sure that that power would be abused, it would form, in his opinion, no just or sufficient motive for the rejection of this Bill. A long series of misgovernment had reduced the public mind in Ireland to a state which compelled the peope of that country to place unlimited confidence in the honour and ability of him who had offered himself as their champion and the advocate of their rights, and would it not be unwise, unworthy, and unjust, to make the fruits of their own injustice an argument for its continuance? The course which the Conservatives pursued necessarily augmented the power of the hon. and learned Member for Kilkenny; it induced many men to associate and co-operate with him, who did not approve of some of the principles which the hon. and learned Member avowed, but who still had one cause in common with him,—viz. a determination to resist the degradation of their country. Another argument made use of by the opponents of this Bill was, that it would tend to weaken the connexion between the two countries. Slender, indeed, must that connexion be if it could be endangered by the granting of municipal institutions to Ireland the true bond of connection between the two countries was their mutual interest, and if that House consented to disturb that interest, and to add insult to injury, though but forty Irish representatives voted on the last occasion for the repeal of the union, double that number would be found to declare that the conduct of the united Parliament was such that Ireland could no longer endure the legislative union. The people of Ireland had made up their minds —they were determined to have their just rights—they sought no more, they would not be content with less. What had that House done to relieve them from the odious impost of tithes? Did they suppose that they could make the people of Ireland pay tithes? If that House was determined to uphold the Protestant Church—and the time he feared had arrived when they could no longer do so—it could only be done by reducing that Church to moderate dimensions, and taking away from it the character of an odious ascendancy. What had been the consequence of the course which the Conservatives took with regard to this question? It had created the Association in Dublin. They had seen that body collecting tribute from every part of the country, and enrolling amongst its Members men of every station and of every persuasion; they had seen the debates carried on with a regularity and an ability that would do honour to that House; they had seen it extending its ramifications throughout every part of the country, and exercising an influence which was almost unparalleled in any country. If they rejected this Bill, did they imagine that their idle denunciations would suppress that association. The public mind in Ireland stood in the same attitude which it took up in 1792. The representatives of Ireland now told the British Parliament that if they did not concede their rights, they would demand them; and, supported as they were by the people of that country, they would demand a dissolution of the legislative union. Before he sat down he could not help expressing his sincere satisfaction at the language of the noble Lord who brought forward this measure. He knew not what might be the fate of the measure, but he was truly delighted at the declaration of the noble Lord that his Majesty's Government was prepared to stand or fall by its success. If the present Administration were in real danger, let them appeal to the country to decide this great question. They could not have a nobler opportunity for making that appeal than upon the simple question whether or not they were right in offering to Ireland free institutions.

Mr. *Vesey:* said Unwilling as I feel to prolong the debate, and anxious as I am to avoid all subjects foreign to the great subject now under deliberation, I feel myself imperatively called upon to make a few observations to the House to corroborate the statement of my learned Friend, the Member for Bandon, relative to a case in which I am almost personally concerned as involving the character of my noble Relative with regard to the manner in which he has discharged his duties of Lord-Lieutenant of the Queen's County in this particular case, namely, that of Mr. Cassidy, and if the House will bear with me for a very short time I will briefly recapitulate the reason, why my relative refused to recommend Mr. Cassidy for the commission of the peace, and I will also prove the incorrectness of the statements made by the noble Lord, the Secretary for Ireland, when he attempted the other evening to justify Mr. Cassidy's appointment. This Gentleman was recommended by Lord de Vesey by several Members of the Queen's County liberal club, many of whom I believe are also members of the National Association, and although Lord de Vesey knew the general character of Mr. Cassidy he yet thought to make the most minute and accurate inquiries on the subject and on ascertaining the actual facts he wrote the following letter to Government.

"Abbeyleix, Feb. 2, 1836.—Sir, I had an opportunity yesterday, at the road sessions, where there was a large assemblage of Magistrates, to make inquiries respecting the gentleman for whose appointment to the commission of the peace an application had been made to his Excellency the Lord-Lieutenant. Mr. Cassidy is, I have reason to believe, though I could not accurately ascertain the fact, a clerk in his brother's distillery, which circumstance, according to the instructions I received, precludes my recommending him for the Magistracy. He was, I understand, fined 10*l.* at the petty sessions for Ballybrettas, for rescuing cattle distrained for county cess; and in his answer to an application from Mr. French for tithes due to him, has denounced the payment of them in the strongest language, and has asserted that, 'the ministers of the law church in Ireland are not actuated in their proceedings by the holy spirit of Christianity.' As I have received my information from the best authority, I should consider it a gross dereliction of my duty were I to recommend for the administration of the law, persons whose example has given encouragement to the prevailing disposition to resist the law."

The facts contained in this letter (from documents which I now possess) I can fully corroborate. In the first place, with regard to his being clerk in his brother's distillery, I now hold in my hand two letters addressed to some customers of his brother's, the one a receipt and the other a bill demanding payment for articles purchased in the distillery, both of which documents are signed by his name, and both dated in August and September, 1836, at the very period he was appointed a Magistrate. Now, Sir, by this appointment, the Government have transgressed the rules which they transmit to the Lord-Lieutenants of counties—namely, that they shall not recommend for the commission of the peace any person connected with a distillery. As to the next point, relative to the outrage committed by Mr. Cassidy, in connexion with his resistance of Grand Jury cess, I have here a document which will prove to the House, notwithstanding the statement of the noble Lord, that Mr. Cassidy was not present at the outrage complained of, and that he had actually reproved his servants for having committed a breach of the peace, that Mr. Cassidy himself was the person who made the rescue. I have here the sworn information of the cess collector in which he deposes:—

"Jacob Henry, of Closeland, in the said county, saith, that he was duly authorised by warrant under the hand and seal of William Kinsella, high constable and collector of the barony of Portnahinch, to collect a part of the county cess. Deponent further states, that on Monday, the 21st instant, he went and demanded the amount of Mr. Robert Cassidy, part of the said tax due for the lands he holds in Ballytayduff, at the same time producing to the said Robert Cassidy his warrant, and also receipts for the said amount, filled and signed by the said Kinsella. Deponent further states, that the said Cassidy refused to pay the said tax, upon which deponent said he would seize for the amount; whereupon the said Cassidy said, 'Seize as soon as you please,' or words to that effect. On deponent's proceeding so to do, and turning into the said Cassidy's yard, he was met by the said Cassidy, who called to his steward (Austin Cavanagh), and ordered him not to let this deponent take anything off the lands. Deponent then seized a horse and cart which were in the yard, when the said Robert Cassidy did, aided and assisted by Austin Cavanagh, rescue said horse and cart by taking hold of the horse by the bridle, and saying, he would not allow deponent to take him."

Mr. Cassidy was in consequence of this act, fined 10*l.*, and never appealed, so clear and conclusive was the case against him. The steward was either not fined, or else escaped with a mitigated penalty, as he had evidently only acted under his master's orders. Two days afterwards another seizure was attempted and made; the servants, following their master's example, effected another rescue in a most riotous manner, on the King's highway, and arrived with spades and pitchforks, and other offensive weapons, as will be proved by the following affidavit:—

> "William Kinsella, of Coolbanagher, in Queen's county, collector of the county tax for the barony of Portnahinch, saith, that on Tuesday, the 22nd inst., he went to the lands of Mr. Robert Cassidy, of Jamestown, to collect a part of said tax, and on demanding the amount due by said Robert Cassidy was refused; whereupon deponent seized a mare, the property of said Robert Cassidy, for said amount of tax due, and was in the act of bringing her to Ballybrittas pound, when he was followed by James Byrne, and a boy, that deponent heard and believes was Patrick Cavanagh, son to said Robert Cassidy, steward. He was also met on the road in Jamestown by a number of men—viz., Austin Cavanagh (steward), Edward Malone, Timothy Strong, both the latter armed with forks in their hands, Edward Malowny, Bryan Dunne, and Michael Dunne; some of the latter men had shovels in their hands. Deponent further states, on said James Byrne coming up, he seized said mare, assisted by said Edward Malone, who appeared with a pitchfork in his hand, and raised it in a fighting position. The other persons above-named also assisted, and said the mare should go back, and Austin Cavanagh (steward) said at the same time what their master had done, they would now do the same, and thereon they, in a riotous manner, rescued said mare from deponent."

Notwithstanding these facts, which were circumstantially made known to the Government, this gentleman has been appointed to the commission of the peace, and now sits on the very bench administering the law with the actual Magistrates by whom he was convicted of a breach of the law. Mr. Cassidy has, moreover, no property in the Queen's County; he is only a 10*l.* freeholder in that county, and in the very district to which he has been appointed, there are no less than eleven most efficient, intelligent, and active Magistrates, who are constant and assiduous attendants at the petty sessions. As to who may be the gentlemen of high rank, station, and character, who recommended Mr. Cassidy, I cannot make out, as the noble Lord would not favour me with even one of their names; but this I will assert, that there is scarcely a resident proprietor in the county, whatever may be his rank or station, whose feelings have not been greatly outraged at this most extraordinary appointment of the Government. The noble Lord stated, that the Government were quite justified in this act of theirs, as Lord Oxmantown had recommended him for the King's county; but, Sir, the cases are widely different. In the Queen's County he has no property, and is, in fact, only a 10*l.* freeholder, while all his property lies in the King's County. But, Sir, Lord Oxmantown was not aware of the outrage he had committed, or else he never would have recommended him, as the following extract from a letter I have just received from Lord Oxmantown will prove:—

> "I can have no hesitation in saying, that had I been applied to by a Magistrate of the Queen's County to recommend him as a proper person to be appointed Magistrate for the King's County, knowing that he, a Magistrate, had been convicted by the Magistrates of the King's County for an offence against the laws, such as you have described, and by neglecting to appeal, had admitted his guilt, I should not, for a moment, have thought of recommending such a person. To have recommended any one under such circumstances, would have been, in my opinion, highly improper; had the Government, notwithstanding, forced the appointment of such a person, I should have felt that they had taken a course which could not be justified. I have always thought, that magisterial appointments were not to be made on political grounds, and, therefore, that the Government were not to interfere with the lieutenants of counties in the appointment of the magistracy, except where there was clearly an abuse of authority, the lieutenant refusing to recommend, without sufficient reason, a person having an indisputable claim to the commission of the peace from his property and station in the county; and while I have always felt that a very grave imputation indeed would attach to any lieutenant of a county for the abuse of his authority, I have also thought, that an equally grave imputation would lie against Government for an abuse of theirs."

Now, Sir, to that doctrine I fully and cordially subscribe—on that principle so admirably set forth by Lord Oxmantown, Lord de Vesey has invariably acted; but have the Government been guided by the same principle—have they been guided in their appointments by the strict rule of impartiality? The following statement of Lord Oxmantown will fully demonstrate that they have not:—

> "There is one fact more, which I think it right to mention to you—that the Government have made an appointment in this county of which I disapproved; it was in the case of Mr. Bannan, a Roman Catholic, who was recommended by the county Members. Of Mr. Bannan, personally, I know nothing; to his appointment as a magistrate my objection was, that he had no property whatever in the King's County, and none in any other county which could be considered as conferring upon him a claim to the commission of the peace. As he was recommended by the county Members, out of respect to that recommendation I felt it to be my duty to make full inquiry, but not to abandon my own opinion in deference to theirs; for surely the appointment of the magistracy should not be made on political grounds. I therefore resisted the appointment of Mr. Bannan to the utmost, but he was, nevertheless, appointed."

Now, Sir, when Government have thus made use of their power of patronage, how can the respectable and peaceable inhabitants of Ireland have the slightest confidence in them—how can they look with any thing but apprehension at the Bill now before the House, which professes to give them such an additional power of patronage which they have so grossly abused, and which will throw strength into the hands of that party whose doctrine is the annihilation of our church, and whose daily practice is resistance to the law? And while the deepest apprehension and alarm exists in the minds of one party, what exists in the other? Where are their meetings, and the petitions with which we were threatened. I have just returned from that country, and I can safely assert that there is a total apathy on the subject. The people do not care about it; and in the immediate neighbourhood where I reside, I do not believe they even understand the question of municipal reform. And yet, Sir, among the very few petitions presented to the House on that subject, I find three from three small towns in that neighbourhood. These towns are not within ten miles of any corporate town, and thereby could derive no advantage from corporations being reformed, nor, from their size, can they hope to obtain the establishment of one for themselves. Why is there not some from Mountmellick, the most important town in the Queen's County, and almost the only inland commercial town in Ireland—a town inhabited by a set of men (the Society of Friends), famed for their industry, intelligence, and quiet habits, peaceably following the pursuits of commerce, apart from the turmoil of politics, and the tumult of party strife—spreading, by their industry, a useful example to the surrounding peasantry; and, by their provident speculations, increasing wealth, and widely extended benevolence—diffusing employment, sustenance, and comfort to their neighbouring poor? Why, I say, have not the inhabitants of this town called upon the Legislature to grant them a share in those corporate blessings now offered by the Government to their more fortunate neighbours? Because they value too highly the blessings of peace and tranquillity, and know full well the turmoil and party strife that would be engendered by the establishment of such a corporation as is proposed by the present Bill. For what other reason but this have so few petitions come from the larger towns in Ireland, and almost all from the small and insignificant ones, or from the rural districts where the unfortunate peasant is forced to sign petitions, not only embodying corporate reform, but also in a more conspicuous manner praying for the abolition of tithes, whereby he is induced to believe he will derive unheard of benefits. I pray, I beseech, the people of England not to force this Bill upon us, which is looked upon with apprehension by one party and with apathy by the other—let them not be deceived by the threat of civil war so openly promulgated by the hon. Member for Liskeard, in case these corporations were refused, and a Tory Government was formed. Where are his proofs that there will be such a war? He has none to offer. There will be no civil war; give to the poor Irish peasant substantial justice; give him a just and equitable provision, such as will relieve him from penury and want, and secure him from starvation. Let him have, through the means of a practicable and well administered system of Poor-laws, a share in the blessings of the state, and he will thereby take an interest in the stability of the state. Settle the tithe question by taking the impost off the poor occupier, and placing it on the rich landlord—abolish corporations, and thereby do away with all excuse for party feud. Give us a good government determined to administer the laws with justice, with impartiality, with firmness, and at the same time with a constitutional and befitting clemency; and then, if you give us these blessings, notwithstanding the predictions of the hon. Member for Liskeard, I will venture to predict that Ireland will obtain that security which will invite capital, which will diffuse employment among the poor, and which will, I trust, eventually expel that turbulence and misery which now reign triumphant in my ill-fated country.

Mr. *E. L. Bulwer* had heard more than one speech delivered by hon. Gentlemen, during the course of the evening, which scarcely contained a single sentence that was applicable to the subject before the House. The hon. and learned Sergeant, the Member for Bandon, had delivered a speech with considerable emphasis, the tendency of which appeared to be to establish the necessity of appointing a Select Committee to inquire into the conduct of the Irish Executive; but he had not heard that hon. and learned Gentleman advance an argument which bore either upon the amendment proposed by the noble Lord (the Member for South Lancashire), or upon the merits of the original Bill. There was, however, one peculiarity in the observations of hon. Gentlemen who, as practical Irish residents, had spoken that night on the opposite side of the House. They had thrown over their predecessors, and had thought it more prudent and politic not to tell the Irish people that the Protestant church was omnipresent in abuse. He now began to perceive what was meant by the expansive principle of the establishment. It was not content with the little circle of tithes and hierarchies, but now it expanded with a vengeance, and swallowed up a score or two of corporations. They say (proceeded the hon. Gentleman), that one crime can only be defended by another, and your way of defending an unequal ecclesiastical establishment is by stifling the power of the people in equal political privileges. When the man in the crowd had his hat stolen, another obliging gentleman cried "Since you have lost your hat, I'll just make free with your wig." You rob the Irish of their church reform, and then by way of making it up to them you run away with their corporations. Oh! but the Association has sprung up, and Mr. Pigot has been put into office, and these are arguments against corporations. Why, what a subterfuge is this—there was no Association last year, and yet last year you refused the municipal reform. The name of Mr. Pigot, then, never haunted your unprophetic breasts, or shook these benches with the tremulous horror of Protestant alarm; and the whole country is to be denied municipal reform because there is a great Association which demands it. Sir, there was an association in Birmingham, nay, all over England—this quiet, loyal England—for obtaining Parliamentary reform; and in the meetings of those associations language as violent, sentiments as democratic, opinions in favour of the ballot and short Parliaments, ay, and of the voluntary church principle too, were uttered. How did you dissolve those associations — by what spell did they wither away—by what rites did you lay them in the grave? Why, you granted the reform. Oh! but says the right hon. Baronet, if you cannot put down the Association, why do you encourage it—why do you mix it up with the Government—why do you put Mr. Pigot into office? And have I heard that from the right hon. Baronet? Why, who condemned the Orange lodges more than he did? And was it not one of the first acts of his Government to put into office the deputy grand master of the Orange lodges—the hon. and gallant Colonel the Member for Sligo? Compare the Orange lodges with the Association; both are bad, both are symptoms of constitutional disease; but one is open, universal; the other is secret, exclusive. Why did you mix up the Government with those lodges? Why did you encourage them? Why did you put your Mr. Pigot into office? Oh! but you will not take power from one party to give it to another; and then you talk of contests and animosities of party in every town. Is this argument honest? If so, why did you never apply it to England? Are there no parties here? Did you not transfer power from one party to another when you passed the Municipal Bill for England and Scotland? Parties! The word parties is more applicable to this country than it is to Ireland, for here at least there are two parties nearly equally balanced in point of rank, property, and numbers; but when I look to Ireland, I see, indeed, one party formidable from its rank, intelligence, and the long habit of lordly domination. Where is the other party? I see only the people. In Ireland it is not a strife between party and party—it is a strife between an oligarchy on the one side and a population on the other. I do not desire to press an analogy between ancient municipal institutions and modern ones, but I say this—it was precisely on account of such parties that municipal institutions were first formed—the party of the population struggling for equal rights, the party of the oligarchy struggling for the maintenance of ascendancy. What! are the Orangemen, implacable as they may be, worse than the old counts of Italy or the old barons of the Rhine? Are the Catholics, ground down as they may be by the oppression of centuries, worse than the half serfs who first formed themselves into guilds and corporations? What a libel on ourselves! Ireland, so long united with the most enlightened country in the world, is not in the 19th century fit for the institutions, which on a far more gigantic scale grew up amidst the feudal ages, and which even the Roman despotism acceded to its dependent towns. Then, not contented with disguising a people under the title of a party, you view that people through the medium of a single man, hour after hour; and when we are to legislate for Ireland you declaim against the learned Member for Kilkenny. Grant him all that you contend for, and what then? Are we to legislate for a nation, or are we to legislate against an individual? Why, is it not you who tells us that you will never be daunted by the physical or moral array of numbers—that you laugh to scorn allusions to the power of millions? and yet, from the height of your superlative chivalry, you call upon the present British Parliament to present to Europe the ludicrous and dastardly spectacle of doling out justice to a people according to your fears of an individual. I neither deny nor vindicate the power of the learned Gentleman. Undoubtedly it has arisen partly from the grievances of which he has been the great organ of complaint, partly from your own heated and unceasing invectives, for, as it was well said by a profound writer on the French revolution, "a man soon becomes in troubled times precisely as powerful as his enemies insist that he is: but it arises also from the grateful belief of his countrymen, right or wrong, that he has rendered them important services, and from the indomitable zeal with which such services have been accomplished." I don't tell you that if you pass this Bill—nay, if you do the amplest justice to Ireland—you will crush the power of the learned Gentleman. So long as there is gratitude in a people—so long as there is eminence in intellectual superiority—so long the hon. Member for Kilkenny must be a leading authority with the Irish people. But the power of a man is for his life, the effect of legislation is immortal. Train up the people to think for themselves, to act for themselves, to govern themselves on the constant stage of local legislation—give them that rehearsal of their liberties, and you will raise a state of society in which individual agitation cannot again attain the same exaggerated power. You may not weaken the learned Gentleman, but you may render him the best of his race: go on legislating against the people, and you legislate for the perpetuity of a demagogue. Whenever two countries are united together, one more powerful, more civilized than the other, the evils to the less powerful country are obvious; she loses national independence; she loses national legislation; the polish and wealth of her neighbour will drive away her resident aristocracy. This is what she loses. What ought she to gain in return? The blessing of the wiser laws, the firmer order, the more liberal institutions, by which her neighbour is governed—by which her neighbour prospers. If she does not do this, she loses all, and she gains nothing in return. And to this total in the balance sheet of benefits you wish our legislation to arrive. It was formerly the custom in royal houses to unite the young prince, when he began his letters, with a kind of flogging-boy—that is to say, a boy who was flogged when ever his royal highness was in fault. If the prince did well, he had his cakes and sugar-plums; if ill, they hoisted his double, and his royal highness was flogged by proxy. Precisely the connexion between England and Ireland. Ireland has been the flogging boy to England, and always on this principle, that England is to have all the sugar-plums, and Ireland all the flogging. Why, what did you all agree to give to England? Municipal reform. What did you all agree to give to Ireland? The Coercion Bill. You say you are willing to correct abuses—you prove your sincerity by giving up the orange corporations. But that is no longer enough; it is no longer enough to correct abuses in the administration of power—the time has come when you must admit the people to a share of the power. This is where you stop short. You will do away with the flogging, but you still won't give the boy any of the sugar plums. Do not rely on the smallness of our majorities. Do not let that thought actuate your Friends in another House. Recollect this Parliament is your own creature, not ours. Recollect, still more, that a majority of one carried the Reform Bill; and be convinced, that if you consider the majority we may have on this occasion small, the majority that the right hon. Baronet will ever get in any Parliament, while he professes the same political doctrines, will not amount to the half. But I have high authority on this head. When the right hon. Baronet yielded to the necessity of Catholic Emancipation, what was a principal argument with him? He said, "I do not go only by numerical majorities. I have examined the constituencies on both sides of the question, and I find the larger constituencies on one side, and the smaller on the other; and I do—what? I yield to the force of public opinion." Will he now abide by his own test—the test he established as a guide to his conduct in the most memorable crisis in his brilliant political life? Why, what has he to set against the multitudes of Birmingham, Manchester, Salford, Nottingham, Sheffield, Wolverhampton, and the metropolitan districts? Let him now not look to mere numerical majorities; let him compare the constituencies on either side, and let him once more yield to the force of public opinion. You have had your turn—Ireland has been in your hands—you have exhausted upon her all your systems of treatment—you never gave us up the patient until you had found the disease incurable. Is it not justice, is it not logic, that we should have fair play for our experiment, which, after all, is only to leave a little to nature? Be just while you have it in your power to be generous. Recollect how often Ireland comes before you, always a suing and always a rejected one; beginning every Session with hope, ending every Session with disappointment. You say these grievances are not practical; their fruits are practical. Discontent, excitement, Catholic associations, passive resistance—the fears of the rich, the combinations of the poor. Practical, indeed must be the evils that result from keeping a whole people eternally vibrating between the excitement of suspense and the exasperation of despair. See the state of England at this moment; her trade prosperous, her commerce increasing; peace abroad, tranquillity at home—no foe to menace her safety or curb her powers. Look at her gigantic colonies, covering a new quarter of the globe. Look at that vast Indian empire which she governs almost with the easy hand of neglect; and, close beside us, see that fatal neighbour whom you have proved that you cannot crush as a slave, and whom you will not suffer us to conciliate as an ally. We are weak only in one quarter—there where alone we have abused our power, and sullied our great name as the hereditary asserters of political rights and religious toleration. If in this question our constitution, still the constitution of an aristocracy, should be endangered—if in this struggle, that constitution should ultimately perish, I do say it would be the most striking instance of moral retribution which the whole history of nations could afford. Better had that constitution perished in its early and illustrious struggles against despotism and intolerance, than that it should now be weakened in loyalty or affection, and, sapped and undermined, should finally crumble away in the unholy cause of sacrificing the rights of a people to the fears of an oligarchy, or the avarice of a church. But, whatever may be the consequence, our course is clear. Of that people we are the trustees and representatives. When we refused to repeal the Union, when we placed the present Administration on the ruins of the last, we pledged ourselves to do justice to Ireland. You ask what we mean by justice. Justice to Ireland is something your philosophy cannot comprehend. Why, what can it mean but this—the just application of equal laws? Again and again upon this and the Irish Church question you have told us that it is for a shadow we contend. It may be a shadow, but it is the shadow of a gigantic substance—it is reflected upon you from the largest towns—from the most powerful constituencies—from the established and legitimate Administration of these realms—the shadow is the principle of justice, the substance is the determination of the people.

Mr. *George Young* was of opinion that, though a few centuries since, municipal institutions might have been extremely beneficial for the purpose of enabling the commonage to struggle the mere effectually against the encroachments of the aristocracy, the machinery of which they were constituted was at the present period of rather an expensive and cumbrous nature, and not very well adapted to the attainment of the ends proposed by their establishment. Since, however, a reform had been introduced into the English corporations, the reasons advanced for withholding a similar reform from the municipal towns of Ireland should, in his estimation, be stronger than those which he had heard advanced in the course of the present debate. He admitted that there was a great difference between the state of society in Ireland and that which prevailed in the sister country; but, great as was this difference, it by no means justified the enormous length to which hon. Members had gone, of asserting that no single town in Ireland was so fit for the exercise of municipal privileges as was the very least of those English towns which were included in the schedules of the English Municipal Bill; that Limerick, in brief, or Dublin was not so well qualified for incorporation as Windsor. He conceived that it would be only doing an act of justice to grant Municipal Corporations to Ireland. For 44 years Roman Catholics had been eligible for corporate offices, and yet up to the present moment a single Member of that religion had not been admitted into the corporation of the city of Dublin. In the year 1829 also when the Catholic Relief Bill was passed, the 14th section of it provided, that it was lawful for Roman Catholics to become Members of any lay body corporate, and to vote at corporate elections upon taking the oath prescribed, but yet not one had been admitted to the corporation to which he had alluded. And now that the Roman Catholics' claim could no longer be resisted, it was said, "No, rather than that they should take part in these corporations we shall abolish them." He would say that that was in the highest degree unjust and offensive, and a course at which the people of Ireland had every right to feel indignant. He advocated the existence of corporations in Ireland upon the ground also that they would be the means of bringing together the inhabitants of towns to consult upon those subjects in which they could have, whether Protestants or Roman Catholics, Whigs or Tories, but one common interest —namely, that of providing for their municipal wants, a circumstance which, in his opinion, would go far to do away with the acrimonious feelings which had been so long mixed up with Irish affairs. For these reasons he would vote for allowing the Bill to go into Committee, and he hoped the House would evince, by a decided majority, a determination on the part of the British people to extend to Ireland the advantages of municipal government.

Colonel *Perceval* observed, that the speech which had just fallen from the hon. Member for Tynemouth (who spoke from the opposition benches) would have better graced the other side of the House. He was far from impugning the impartiality of the Speaker, but certainly the right hon. Gentleman had called on two hon. Gentlemen in succession who had taken the same view of the question before the House. The argument of the hon. Member for Tynemouth was, not that there was not a vast difference between the condition of England and the condition of Ireland, but because Municipal Corporations had been given to England and Scotland, although the hon. Gentleman disapproved of corporations, yet he was for forcing them on the people of Ireland. The hon. Member had stated, that though since 1793, persons professing the Roman Catholic faith might legally take a part in municipal Corporations in Ireland, yet that they had not been admitted to any share in corporate rights; and because the corporations had been exclusively filled with Protestants, therefore, argued the hon. Gentleman, it would be just to deprive the monopolising party of their privileges, and hand them over to the opposite party—a party whose feelings and intentions were represented by the Catholic Associations. He could not understand the justice of thus taking power from one party to give to an opposing one; but he believed that if the amendment of the noble Lord, the Member for South Lancashire was carried, by which corporations would be done away with, as it was impossible to place them in any position in which no predominant party would prevail —justice would be secured to all parties. The hon. Member for Lincoln, who had indulged in poetic flights—had thought fit to attack the course which had been pursued by the right hon. Baronet, the

Member for Tamworth. He was not about to defend the right hon. Baronet—a single sentence from the right hon. Baronet would be sufficient to put an extinguisher on the hon. Member opposite. The hon. Gentleman indulged besides in certain prophetic trances respecting the majority which would support the Gentlemen of his (ColonelPerceval's) side of the House in case a change of Administration should take place, "for," said the hon. Member, "it will not amount to half of that which will appear for Ministers on the present question." He should leave the hon. Member to enjoy the evident self satisfaction which he felt in those poetic trances. He would not disturb his imaginings. But the hon. Member in the course of his speech had thought fit to allude to him, as having been a Member of the late Orange Association. He thought he had a right to complain of his Majesty's Government for their conduct to him and to those other persons who had come forward in obedience to the wishes expressed by his Majesty; and honestly, unequivocally, and without mental reservation, or equivocation, had yielded up their own feelings, and had lain the association at the feet of their Sovereign; and had, in addition, recommended others, one and all, over whom they might be supposed to possess some influence, to follow their example. What was the conduct of the opposite party on the occasion? He knew well that the concession of the Orange body—and their ready compliance with the wishes of the King, were gall and wormwood to that party, and that it was so, was proved by their consequent proceedings. The press, influenced by the Government, and by those who governed the Government—heaped on their conduct the vilest taunts and insults; and to such a pitch did they go, that the hon. Member for Cavan and himself had felt it necessary to intimate to the noble Lord, the Secretary for Ireland, that if such a line of conduct was continued, the advantages likely to arise from the devotedness of the Orangemen to their Sovereign's will would be set aside. The noble Lord assured them that he would employ his influence to have an end put to the evil complained of. He did not doubt that the noble Lord had performed his promise; for in a few days a change took place in the tone of the press. But the intimation that the press received was given in language of taunt and insult—that it was much better that nothing should be said as to the course which had been pursued by the Orange body. The noble Lord at the head of the Home Department, in introducing his measure on Municipal Reform in Ireland, had complimented the Irish Members belonging to the Orange association on their ready compliance with the desire expressed by the King. What course, he would ask, did the Government pursue to mark their sense of that conduct? They allowed the press to urge the advantages likely to arise from the establishment of the association projected by the hon. Member for Kilkenny, on the excitable minds of the Irish people. The Government had been so over-scrupulous in their impartiality that they would not permit any Orangeman (before the dissolution of that body) to hold any situation in Ireland. That Association had been established for none but loyal purposes—indeed their fault, if any, was an over attachment to their king and the institutions of their country, and the connexion between the two countries; and it was for their unswerving loyalty and their firm adhesion to that connexion, that they had been exposed to all the vituperation which had so foully assailed them. He perfectly well recollected that overtures were made some years ago to the various Orange institutions to prevail on them to join the movement, to bring about a repeal of the Union; and it was their refusal to join in such an attempt that had brought down upon them all this obloquy. Now, what had been the conduct of the government of Lord Mulgrave to that body? His noble Friend, the Member for Fermanagh, had been recommended to the Lord Chancellor by Lord Headfort (the Lord-Lieutenant of the county,) for the commission of the peace in the county of Cavan. The answer of the Lord Chancellor was, that he could not be appointed unless he gave a pledge that he did not, or would cease to belong to the Orange body. That might be all very right, but would the House call it impartial justice, that the Government should give its sanction and encouragement to an institution in the heart of Ireland, in the city of Dublin, having 2,300 and odd members, including 600 chaplains; and should select from that association, avowedly formed for the purpose of opposing the law of the land, which never would cease till tithes were abolished—till short parliaments, universal suffrage, the vote by ballot, were established, and the legislative union repealed. Hon. Members cried no, no, he said yes, yes. It was an undisguised fact; and was it he, repeated impartial justice, that the government should select constables, magistrates, registering barristers; nay, for its confidential advisers, members of this association pronounced by many able lawyers to be illegal? He asked, could equal justice be pretended to by the noble Lord opposite on behalf of the Lord-Lieutenant of Ireland, when the Orangemen of that country having dissolved an association to which they were ardently attached, and which they had found of the greatest service in 1798? It was a recommendation to any public office in that country that a person was a member of the General Association; while Mr. Leigh, on a mere suspicion, and as it turned out, a false suspicion of being an Orangeman, was declared ineligible to fill the office of high sheriff for the county of Wexford.—He had other grounds of complaint with regard to that county—his Excellency the Lord-Lieutenant, had been pleased to honour it with a visit at the end of August, or the beginning of September, and on that occasion had been pleased to exercise a degree of unconstitutional clemency—liberating twenty-five prisoners from the gaol. This was not all. An individual whose chief recommendation, he believed, was that he was a zealous disciple of so-called "peaceful agitation," had been appointed to the commission of the peace; when the recent application was made to the Lord-Lieutenant of the county for his recommendation, it was refused—and the appointment was remonstrated against on the ground that the individual was not in that station in life from which the magistrates of the county should be selected. His father, a most respectable man, was a bleacher, and he had no property in the county to qualify his son for the office. But the appointment must be made, and it was made. That individual had made himself remarkable for attending those meetings by which the county of Sligo, from having been six months ago, the most peaceful and tranquil, had now become a disturbed and agitated district. "Pacificators" had been sent down, death's head and cross-bones were recommended to be placed at the doors of refractory electors. He would call the attention of the House to a passage he had seen attributed to the hon. Member for Mayo (Mr. Dillon Browne) in a liberal paper, called the *Champion*, published in Sligo, and the correctness of which that hon. Gentleman had not denied, when he (Colonel Perceval) had shewn it to him. It was this:—"Mr. D. Browne said he would adopt Mr. O'Connell's advice of placing deaths' heads and cross-bones at the doors of such people as refused to register; and he further added, if they were visited with greater afflictions, let them bear with them. He concluded with a vote of thanks to O'Connell and Lord Mulgrave. But with regard to the appointment which he had alluded to—of Mr. Kelly—he had to observe, that that gentleman had most effectually agitated since he had been called to the commission of the peace, and a rule *nisi* had lately been obtained against him for vituperative language towards the assistant barrister while in the discharge of his official duties. Much credit had been given to the late Attorney-General, the present Master of the Rolls in Ireland, for his impartiality and firmness. Now, a plausible measure had been introduced into that House by that right hon. Gentleman, by which, under the pretence of avoiding suspicion, it was provided that the assistant barrister should not preside in counties within the circuits on which they professionally practised; and this plausible arrangement was taken advantage of for the purpose of removing Mr. Robinson from Carlow, and putting the liberal barrister, Mr. Moody, in his place. But he being found not quite sharp enough in doing the work intended for him—Mr. Hudson had been appointed in his stead. Another measure confirming a degree of patronage not unpalatable to the government which had been suggested by the present Master of the Rolls, Mr. O'Loghlen, was the appointment of thirty-two crown prosecutors for the sessions, being one for each county. A gentleman named O'Hara had been appointed for Sligo, who during the late registries, took a very prominent part in forcing the people to the sessions; and, he believed, in many other counties the crown prosecutors were to be found similarly occupied. Mr. O'Hara was the acknowledged agent of that party which coerced unfortunate and reluctant tenants to come forward and register; and he had himself seen several placards which had been taken from the doors of tenants, warning them, that if they did not register they might prepare their coffins. He had seen witnesses coming upon the table to register, who stated that they had been forced by the priests to come on the table, but that they would not "hurt their souls" by swearing to the qualification. He had also frequently seen the priests prompting and making signs to the claimants and witnesses when under examination on oath—conduct which, when taxed with in open court, they reluctantly and with shame admitted. These facts he would prove before a Committee if granted. He had stated enough to show that the Irish government were not scrupulous about soliciting to fill the most important public offices, the members of an association which the King's Prime Minister had unequivocally condemned. He believed the people of Ireland, if their opinions could be fairly and without intimidation expressed would be found unfavourable to this Bill. He had himself last Session presented a petition againstit from the county he had the honour to represent, though some of the parties signing it had, after an intimation from certain quarters signed a counter-petition. He should conscientiously vote for the motion of the noble Lord, the Member for South Lancashire, and he humbly entreated of the noble Lord opposite to grant a Committee to enable them to prove the several allegations which had been made by the hon. Members for Dublin, Bandon, and others, against the Irish government.

Mr. *Dillon Browne* begged to explain. He should not have intruded himself upon the notice of the House but for the remark which had fallen from the hon. and gallant Member for Sligo, who had certainly quoted the words which he had used on the occasion to which he had referred; but the gallant Officer had mistaken the application of them. He had applied the words in speaking of those persons who would receive a bribe. He had said that if any individual could be base enough to receive a bribe, it would not be too great a punishment to such a person to have cross-bones and a death's head marked on his doors. He thought this was a sufficient explanation of the matter. He could understand, however, the feeling under which the charge had been made; he knew the slight tenure on which the hon. and gallant Officer held his seat for Sligo; and he was proud to say, that the position in which the gallant Officer stood was mainly owing to his humble exertions. Of Mr. O'Hara, to whom allusion had been made, he must say he had known that gentleman all his life. He had ever known Mr. O'Hara to be a most intelligent man; and he was confident that in any act of his he had not conducted himself in a manner inconsistent with his public duty.

Viscount *Howick* said, he felt that he should act more in conformity with the general wish of the House than with the practice of some hon. Members, in not following the hon. and gallant Gentleman opposite with respect to the questions which he had again brought on the stage, and which he was totally without the means of discussing. And even as regarded the general subject before us—the question of whether municipal corporations should be established in Ireland or not (it having already in the course of this and the preceding Session been so fully discussed)—the hon. and learned Member for Liskeard (Mr. Charles Buller) in the able and eloquent speech in which he delighted the House had so completely, in his opinion, established the principle on which the utility of such corporations rested, and the peculiar application of those principles to society—he had so completely established these facts, whilst on the other side of the House there had been such an absence of all attempt to reply to the arguments of the hon. and learned Gentleman, that he held it to be quite unnecessary for him needlessly to prolong the debate by going into a discussion of the general question. He deemed, it therefore, wiser to confine himself to this one point—a point which had given to this debate a new and deeper importance than it before possessed; he meant the grounds which had been put forward for rejecting the Bill on the other side, in consequence of its being assumed that its adoption would cause increased danger to the Established Church of Ireland. He would not inquire why it was, that during the last Session this argument was not put forward; he would not stop to ask why it had happened that, except in the speech of the right hon. Baronet, the Member for Cumberland (Sir James Graham), he did not recollect any stress or weight having been laid upon that argument. Was there a wish on the part of those who held these opinions to excite religious dissensions, and to create religious prejudices in England, Scotland, and Ireland, in the anticipation of the event of a general election? Was it for this that hon. Members were prepared, for party purposes, to degrade and villify the name of religion? He said, if such were the views on which these arguments were brought forward, he trusted in the good sense of the people of England and Scotland to defeat the views of those by whom this attempt was made, and to refuse to mix up a question with religion which, first and last, was entirely political. He trusted that he was as sincerely attached as any man could be, to the Protestant religion; he was as anxious as any man could be to see the manifestation of that religion in this country and Ireland; but it did not follow that, because he was anxious for the preservation of that form of Christianity, he should therefore refuse to other men the credit of being equally attached to their religion; or, that because whilst they agreed with him generally in the fundamentals they differed on points of great importance, he should for these reasons, assume that they were not to be treated as equals in all the privileges of freedom. But, Sir, my noble Friend (Lord Stanley) last night said, that the object, or, if not the object, the tendency of this measure was the destruction of the Established Church in Ireland; and he further said, how can his Majesty's Government persist in the course which they are pursuing, seeing they are told by those who support them, and who sit behind them, that the certain tendency of this measure is the destruction of the Established Church in Ireland? and his noble Friend's question was, "How can they go on, burrowing on like moles, ignorant of the tendency of their own measure?" He had been too many years in this House to attach much value to that argument; but he was surprised to hear that argument used by his noble Friend (Lord Stanley). When he was sitting—he wished he had continued with us—yes, when he was happily sitting with us on these benches, and defending the Reform Bill, that argument was treated with all the contempt which it deserved. When they were advocating the Reform Bill, he asked his noble Friend whether they were not told by those who were now his allies, that it would lead to universal suffrage and theoverthrow of the Constitution? Was not that, he asked, the language of those who refused to grant that great measure? But certainly his recollection was much mistaken if the noble Lord felt any difficulty in receiving the support of those who professed to go much farther. There was no lack of Gentlemen who were ready to take up the Reform Bill on that ground; and he thought the result proved that both extremes were wrong; and it further showed that they were right in maintaining, that the Reform Bill, in spite of these sinister predictions, was calculated to maintain the Constitution, and not to form a stepping-stone to universal suffrage. Could any man suppose, that if they had refused to carry the Reform Bill in 1830, though they might now be sitting with a constitution, and with the Members for Gatton and Old Sarum, in their places that we should not have a revolution, accompanied by anarchy, universal suffrage, and a military despotism? But he was convinced that no man could look back and think that in such case they should still have a House of Commons essentially forming a part of the British Constitution. But with regard to those who took a middle course between the violence of contending parties, was it to be maintained that they were the tools of one party or the other? He was the more surprised to hear this argument used last night, because it was resisted most ably in the speech of the hon. Member for Liskeard, who said he would not consider his aversion to the Church Establishment that he was its open and professed enemy, and that being so it was not that he trusted the granting of the Bill would remove those objections which he had to the Establishment, that he advocated it. What he said in effect, moreover, was, "and therefore he rejoiced that the English Establishment of Ireland had this additional odium, of being an obstacle to the attainment of civil rights and privileges." The hon. Member said, "they would find, by rejecting the Bill on the grounds which had been put forward, you would show the Irish people not only that they were to have no national endowment—that they were not only to be excluded from the advantages of a national endowment, but they also taught them, that to bolster up the Church Establishment, they were determined to shut them out from the rights of British subjects." He appealed to the House whether this was or was not the argument of the hon. Member for Liskeard? And this, Sir, brought him to the consideration he wished more particularly to advert to—he meant as to whether the tendency of the measure was to be fatal to the Established Church in Ireland or not. If it was, let him ask how was the danger to the Establishment to arise? They did not apprehend a display of actual force—they did not suppose that the town councils would take up arms and resist the Church? No; but they were afraid that, inasmuch as the municipal councils would have the power of discussion, of petitioning the Parliament, where, as representing the wishes and feelings of the great body of the inhabitants of the towns they would wield a moral force, that force would be added to their enmity to the Established Church. Did those Gentlemen who used the argument to which he referred consider what it was that they really assumed? Did they mean to tell him that the Church Establishment of Ireland was so obnoxious to the whole population of Ireland, that it was so hated and detested by the great body of the people, that any increase of their political power, or any means which might be afforded them of increasing that political power, would contribute to the fall of the Established Church? He confessed if that was what was meant to be asserted by the strong friends of the Established Church, it was, from those who profess to support it, the most inconsistent argument he ever heard made use of. But what would be the effect of a denial of this Bill? Was it possible that it would not be what was last night hinted at by the hon. Member for Liskeard? Would it not be felt by the people of Ireland that the Church Establishment was the great obstacle to the attainment of their civil rights? And if that feeling be created, with a political power alluded to, did they think they would have improved their position by the refusal to grant them Municipal Corporations? But, Sir, there was one ground upon which he could understand the character of this argument. Perhaps there might be hon. Gentlemen on the other side who meant to put forward this position—that if the Church of Ireland were ever so odious, if the feelings of the people were against the Church, and our authority as hostile as it might be, they were, nevertheless, still determined to maintain both by means of their superior power! If this, he said, be their position—if they meant to say that they knew the Church of Ireland was odious, that for the sake, nevertheless, of maintaining that Church, and on account of it, they refused to grant Municipal Corporations, and thus defeat that system of Government which they necessarily produced, their power in Ireland would be maintained by force of arms—he then might understand their argument. Then, indeed, he should say they acted consistently by striking out all those clauses that gave civil privileges to the people of Ireland; he said that they were right to legislate as they would for aliens, anxious to shake off the yoke. But before they came to this question of policy, let them consider all it involved and implied. Remember they would have not the voluntary, but the forced, obedience of the people, if you rest your Government upon coercion and not upon the affections of the people. They must carry out a principle to the greatest extent. What, then, have they to do? Had they not recommenced the very struggle they had in the case of Catholic Emancipation? Yes, the very pages might be transferred from *The Debates of* 1829. He could quote from that work the very sentiments which were then uttered by hon. and right hon. Gentlemen opposite. If, then, he said, this were the same struggle, let them look back to the period he referred to, because it afforded a most instructive lesson to them. He would go back no further than the year 1825, when it would be remembered, that a Bill for emancipating the Roman Catholics was passed by this House and sent up to the other House of Parliament, where, unfortunately, it was defeated by a considerable majority, led on by those who were then the colleagues in office of the right hon. Baronet (Sir R. Peel) opposite. Two years afterwards, in 1827, a new Parliament was assembled, and then, for the last time, this House divided by a bare majority against Catholic Emancipation. In the following year the decision of the House was reversed; but, again, a majority of the other House, acting, as he before said, with those immediately connected in office with the right hon. Baronet (Sir R. Peel), stopped the progress of improvement and defeated the measure. In the following year, within only two years of the time when the right hon. Baronet had separated himself from the Government of Mr. Canning, lest his assumption of the lead in that Government should give some remote assistance to the advancement of Catholic Emancipation—within two years from that time the right hon. Baronet was compelled himself to come forward, to confess that his previous policy had been wrong—that his former opposition had been unfortunate—and to call upon this House to pass a measure of Roman Catholic Emancipation! Unwilling as he was to detain the House, he could not forbear reading a few lines from one particular passage of the speech made by the right hon. Baronet upon that occasion, in which he stated his reasons for proposing a measure of Catholic Emancipation. The right hon. Baronet on that occasion was arguing on precisely the same question as that which he maintained was now before them; namely, "Could they or could they not carry on the Government of Ireland by a system of coercion? Could they or could they not go on permanently resisting that which the people of Ireland were determined to obtain?" And these were the words used by the right hon. Baronet:—"He said they would then be commencing a Government with nearly the whole constituent and representative body against them, and it would be practically impossible to conduct the internal Government of Ireland. Separated as that country necessarily was from England, it would be impossible to carry on an internal Government in opposition to the feelings of the representative and constituent bodies. There would be a moral influence opposed to them which would render it hopeless to conduct the business of Government."—Let him ask, would that difficulty be diminished now? An hon. Member, who last night sat immediately behind the right hon. Baronet, told them distinctly that the Roman Catholics were daily increasing in wealth and influence, and that in a very short space of time they would have seventy or eighty representatives in the House. Those representatives would be arrayed against the hon. Gentlemen opposite; because, let the right hon. Baronet remember, that this question of Municipal Reform, which originally only interested the cities and towns of Ireland, had been, in consequence of the course taken by the Opposition, a question deeply interesting to the feelings of every Roman Catholic. His noble Friend (Lord Stanley) stated last night distinctly, "it was because they were Roman Catholics—it was not because they were Irishmen, but because they were Roman Catholics, and because being Roman Catholics they would be opposed to the Established Church, that he refused to grant them the privileges proposed in this Bill." Why, these were precisely the grounds on which, for so many years, the measure of Roman Catholic Emancipation was resisted; and he told them that the difficulties with which they would have to contend in resisting this measure, would be of precisely the same character as those with which they had to contend on the question of Catholic Emancipation, and by which they were ultimately defeated. But he continued his quotation from the speech of the right hon. Baronet in 1829. The right hon. Baronet went on to say: "Again, then, he asked, Sir, what was to be the remedy? Was it to retrace our steps? He would warn them that, finding the powers they had already conferred so great that they could no longer struggle with them, they should be cautious how they struggled with them; they should be cautious how they trifled with them, or encountered a collision which might endanger the welfare of the State; for he firmly believed, that the commencement of a system recalling civil privileges already bestowed, without an attempt to settle the question, and a declaration that nothing was to be conceded, would be attended with consequences the most disastrous. It would cause a re-action which would of necessity lead to a struggle; and that struggle, if pursued to its legitimate consequences, would end in a result little short of the re-enactment of the penal laws. But, Sir, could the penal laws be applied to Ireland as it at present existed? Reflect upon the difficulties that would attend such a project. Could they force back the great spirit that they had let loose by lifting the seal from the vessel, and inclose him again within his narrow limits? Looking, therefore, to the different considerations which bore upon the subject, he would ask the most determined enemy to concession, in what mode the internal government of Ireland was to be conducted?" This was the opinion of the right hon. Baronet in 1829. Would the difficulty of carrying on the Government in Ireland, upon the principle that Catholics, as Catholics, ought to be denied the advantages which were to be extended to England, be less now than they were in 1829? He admitted the real danger of it; far was he from undervaluing the importance of it as the symptom of a disturbed and diseased state of society. But what, he asked the right hon. Baronet, was this; would he find the present

Association less formidable than that to which he yielded in 1829? Was it easier now to defend their ground when they had given up every commanding position that they then occupied? when all the aids to resistance they then possessed had since been completely abandoned? When they had given such an extensive political power to the Roman Catholics of Ireland, was there any safety, nay, was there anything but the greatest madness in abruptly pausing and refusing to go further? In the year 1825, Mr. Canning said, and although he had not then the honour of a seat in Parliament, he happened to be present on the occasion, and had the pleasure of hearing him, and his words made a great impression on his mind—Mr. Canning said, speaking of the former system of Government, "The rack was a horrible engine, but a beautiful piece of mechanism —so the penal laws were dreadful, but admirably adapted to the purpose for which they were originally intended;" and he went on to show, that by trampling down and brutalising the whole people of Ireland, they might chance to carry on the Government for a time, but that the very first concession that was made would carry with it, of necessity, all those other concessions which had since gradually followed. Unfortunately the right hon. Baronet would not take the warning which Mr. Canning then gave him. A few evenings ago, the right hon. Baronet felt it necessary to enter into a defence of his change of opinion upon the subject of Catholic Emancipation in 1829. But he was sure that those by whom he was then most condemned, could now hardly resist the conviction, that in 1829 the right hon. Baronet acted in the manner that best became him. He made, by braving the obloquy then heaped upon him, by having the courage to remain in office and assist in extricating the country from the difficulties into which he himself had brought it, the best amends in his power for the fatal errors of his former political career. But if the right hon. Baronet were right in 1829, he asked him was he right in 1825 and 1827? He imputed no motives to him for his change of opinion in 1829. He was convinced that he was sincerely anxious to do that which was best. It was reserved for some of those who had now joined his ranks, to impute to the right hon. Baronet unworthy motives for his conduct. He did not allude to the right hon. Baronet, the Member for Cumberland, but to some of the speeches made in 1829, by some of the hon. Gentlemen who had since taken their seats on the same side of the House with the right hon. Baronet. But acquitting the right hon. Baronet of anything but the most conscientious motives in his conduct, he would put it to himself, whether he was not afflicted in the years 1825 and 1827, most fatally for his country and most unfortunately for his character as a prudent and sagacious statesman, with a most extraordinary blindness? Did not Mr. Canning, did not Lord Plunkett, and many other distinguished persons, the associates in office of the right hon. Baronet, describe to him, in language which might now be quoted as a correct historical description of the course of events, although it was then used only prophetically—did they not point out in language exactly conformable to subsequent occurrences, the certain and obvious tendency of the course he was pursuing. Did they not repeatedly call upon him to say, whether he could permanently maintain the line of policy he had adopted? Did they not repeatedly ask, whether it was possible that the existing state of things could go on from year to year without at least coming to a fatal result? And did not the right hon. Baronet refuse to listen to their warning voices, and blindly persevere in his mistaken career, until at length the fatal result so long predicted actually arrived, and which, he was afraid, did not verify the assertion made by his noble Friend last night, that they would "refuse to clamour what they had denied to justice." The right hon. Baronet in 1825 and 1827, made use of very much the same language as at present in speaking of the danger of the Association in Ireland, of the danger to the Established Church, of the impossibility of placing confidence in giving political power to the Roman Catholics. And why was it that he at last consented to give them power? Was it because the Association had been less urgent in its demands, or less menacing in its attitude? Was it because the Church was in less danger? No; the reasons were those stated by the right hon. Baronet himself, that the means of further carrying on the struggle had altogether failed him. With this experience, with this reason, with this dearly-purchased experience before them, would they again commit the same mistake? Should they once more commit themselves to a system of Government to which the great body of the Irish people and the Irish representatives were, and would be, the determined opponents? Would the Imperial Parliament once more commit itself in a struggle of that kind? Was the right hon. Baronet now prepared to face those self-same dangers which in the year 1829 he most wisely shrunk from encountering; or would he again come down to the House and advise us to retrace our steps? Having denied what was asked in justice, would he tell us to give it up to clamour, when the power opposed to them no longer thanks you for the concession, but boldly tells you you dare not refuse it? He asked the House, whether they were prepared to risk the peace of the country, the existence of the empire, upon so desperate a chance as this? Would they embark in this career? If not, he said, let them lose no time in adopting those measures of conciliation which the present circumstances require, and which experience told them could not be permanently resisted. They had already, fatally in his opinion, lost the best and the wisest occasion for conceding with grace. They had unhappily been prevented from giving to Ireland the same privileges that had been extended to England and Scotland, at a time when it would have been considered no triumph of party, at a time when it would have been accepted by the Irish people as a free and voluntary gift on the part of the Imperial Legislature. Already, if he was not greatly mistaken, the effect of the boon, even though granted upon the instant, would be infinitely less than if it had been yielded in the last Session of Parliament. With all their experience, then, of the fatal effects of delay, would they again be guilty of the error of postponement, and throw away, perhaps for ever, the only chance of accomplishing a satisfactory adjustment of the differences unhappily existing in Ireland.

Sir *Frederick Pollock* had never addressed the House on this important question, and he trusted he should be excused if he stated, as shortly as he could, the grounds upon which he meant to vote for the motion of his noble Friend, the Member for South Lancashire. Upon the measure before the House, he sincerely entertained that alarm at which the noble Lord who had spoken last seemed disposed to sneer. He believed that the Corporations proposed to be granted to Ireland, would have a tendency to degrade religion, and he thought it much safer for the Protestant Church that the amendment of his noble Friend should be agreed to, than that the Bill should pass into a law in its present state. An hon. Member (he believed the Member for Limerick) had stated, that the only arguments which had been adduced from the Opposition side of the House were, that Municipal Corporations were not necessary, and might be in Ireland mischievous. But even those were sufficient to justify the rejection of this Bill. What had been the experience of the necessity felt in this country for Municipal Corporations? The House would remember, that by the English Municipal Act, power was granted to his Majesty to give Corporations to towns on the petition of the inhabitants, and yet so little necessity for Corporations was thought to exist, by the parties most interested, that there had not been a single such application for charters since the passing of the Act. With regard to Ireland, he contended it to be obvious, that where an exclusive system had been adopted on one side, the probability was, that an exclusive system would be adopted by the other side, and thus religious differences and disputes would be exasperated. His view of the question might be expressed by quoting a single sentence from a letter addressed to the hon. and learned Member for Kilkenny, a few days ago, by the hon. Member for Dundalk, on another subject. The sentence was, "I will not pull down one monopoly to build another on its ruins." The noble Lord who had spoken last, had said that the argument with respect to danger to be apprehended to the Protestant Establishment from this measure had been newly raised this Session. Now, he thought that statement was not quite correct, for he well remembered the argument was raised last year by the noble Lord, the Member for North Lancashire. It had been said, that these corporations would become normal schools for peaceful agitation. From such peaceful agitation God defend the nation! He did not believe that Municipal Corporations were so much desired by the people of Ireland as hon. Gentlemen opposite wished to represent; and, he believed, that many of the large towns feared both the expense and the agitation which the introduction of those corporations would entail upon them. Should they ever be introduced into that country, he believed it would turn out that their effect would be to create the very feeling which the noble Lord opposite so much deprecated, and to give that feeling a force which it never before possessed. The hon. and learned Member for Kilkenny had proclaimed, like the eminent philosopher and mathematician Archimedes, δος που στω και την γην κινησω; the που στω was to be the institution of Municipal Corporations as schools of agitation, and with these he was to shake the foundations of the Church which the Association had avowed it would destroy. He had the greatest respect for the people of Ireland, and he must protest against the doctrine, that because some hon. Gentlemen objected to the establishment of Municipal Corporations on the plan proposed by other hon. Gentlemen, that therefore any insult or disrespect was intended or offered to the Irish people. All that his noble Friend had proposed was, that the towns of Ireland should be governed in the same way as Lambeth, or Westminster, or Marylebone, or Manchester, or Birmingham was, and that could be no insult to the Irish people since it was already the case on this side of the channel. Whatever advantages hon. Gentlemen might anticipate from the proposed new corporations, he hoped the providence of God would protect them from ever coming to that point, when they might be compelled to think whether even those advantages had not been purchased at too dear a price.

Mr. *Roebuck:* I am happy to rise after some hon. Gentlemen who have spoken more immediately to the question before the House. There is something very difficult to grapple with in the sort of arguments which were yesterday used, which were drawn from isolated cases, not with reference to the general question of Municipal Corporations for Ireland, but regarding only certain proceedings respecting Mr. Cassidy or Mr. Fogarty. I believe that we have here met to determine whether the population of Ireland should have a municipal system for the government of their own internal affairs, without rendering it necessary to dwell on the proceedings of certain Orange Lodges, or on the registration of Sligo, or any petty grievance as to the executive Government in Ireland. Supposing that the Executive Government of Ireland is unworthy of the confidence of the House, i that an argument, or would it operate as a sufficient reason with the Representatives of England and Scotland to refuse to the people of Ireland the means of obtaining a system of self-government which is found so efficient in its operation in England and Scotland? My object, at present, is to state as briefly and clearly as I am able the grounds of my assent to the second reading of this Bill, and, if possible, to answer some of the objections which I have heard urged to the policy as well as justice of the measure contemplated by his Majesty's Government. It has been admitted by the right hon. Gentleman, the Member for Tamworth, that there is a strong *prima facie* case in favour of this Bill, and he has acknowledged that on those who oppose it devolves the necessity of proving, by special reasons and peculiar circumstances, the wisdom of denying to the Irish people those rights which by this Bill we seek to confer on them; and my immediate purpose is to show how feeble to this end are the circumstances stated by the right hon. Gentleman, how inconclusive is the argumentation by which he has attempted to support his proposition. Before I proceed, however, to this attempt at refutation, it is necessary for me to learn why it is that the right hon. Baronet thinks that there is a *prima facie* case in favour of the measure by which we propose to confer municipal rights on the people of Ireland. It seems, as far as I am able to ascertain the opinion of the right hon. Baronet, that he believes, that as Ireland and England are now one nation, and under one government, and as we have seen reason to give to the people of England municipal governments, that there is a presumption at once in favour of extending the same measure to Ireland. I desire, however, to go one step farther into this inquiry. I wish to know, why it is thought necessary to confer these rights on the people of England, for when we have clearly ascertained the nature of the necessity for creating municipalities in England, we shall be better prepared to determine whether there be any difference in the two cases of England and Ireland, and whether the necessity which is so potent in our case exists in Ireland, and whether there be anything in the peculiar condition of the latter country to counterbalance the need which is found to be similar in both countries. Now, I suppose it will be allowed that the principle on which we granted municipal governments to England was this, viz., all communities of men in towns have, from the very fact of their neighbourhood and society, certain interests and concerns peculiarly ther own—interests which they have special reason to watch over with care, and to guard and forward with prudence and assiduity. While these societies have these peculiar or local interests, they have also general interests—that is, interests which are general to the greater community of the nation. Now, here in England, we have determined, that while the general government watches over the more wide or general interests of all, the neighbourhoods which have local interests shall watch over and protect these more narrow and peculiar matters of concern. Just in the same manner we have also determined, that each individual has matters and interests peculiar to himself and family, which are left to his own individual government. Thus, then, in England and Scotland, we have divided every man's interests into three separate classes—personal or individual; local, or those of his peculiar neighbourhood; and thirdly, general or national. The first set are under his own immediate and singular control; the second he governs in conjunction with his neighbours; the third he superintends in common with the whole nation. Such is the view we have taken with regard to the people of England and Scotland, and such, at first sight, every one must allow we should naturally take with regard to the people of Ireland. In Ireland, as in England, every man has personal, has local, has national interests; and at the first glance, we should be inclined to believe that we should in Ireland, as we have already done in England—establish personal, local, and national rights. In Ireland (confining myself to the second class, viz., local or municipal rights) it is undeniable that there are precisely the same circumstances of a local nature which have in England induced us to grant municipal rights to the localities in which these peculiar neighbourhood interests exist. No one who has the slightest knowledge of the circumstances out of which municipal government has arisen will deny this. The necessity is inherent; it arises the moment men associate; and the matter we have to discuss is this: why we should travel out of the ordinary path of government in the case of Ireland. Why depart from a rule in their case, which long experience has taught us to be the wisest one in the case of all other people, viz., to trust to every man the guardianship of his own concerns, because his interest in those concerns is closer and more potent than any other man's? The case of a neighbourhood is the same; and what, I ask, are those peculiar and remarkable circumstances which belong to Ireland, and would or ought to induce us to take the charge of local affairs out of the neighbourhood's power, and place it in some other and extraneous hands? We now come to the right hon. Baronet's reasons—or rather reason, for it is but one; and I beg the serious attention of the House, and the country, to the argument which he has adduced for this marked and extraordinary deviation from the common experience of mankind: "I believe," says the right hon. Gentleman, "the existence of Municipal Corporations, which admit all sects and denominations as members, to be fatal to the existence of the Irish Church. Irish Corporations have hitherto been exclusive and Protestant—if you allow them to be open to all, you will destroy the Protestant Establishment; and I therefore call upon the House of Commons, without further argument, to refuse to the Irish people municipal government." It is evident, that in England and Scotland we have found, that for the good government of the country, these municipal governments were needed—needed, be it remembered, in consequence of circumstances common to Great Britain, and to Ireland. Therefore, for the really good government of Ireland, the same machinery is requisite; but it seems there is something in Ireland of far more import than good government, and that thing thus exalted, above all that we have hitherto thought of paramount importance, is the existence of an exclusive monopoly corporation, called the Protestant Church Establishment of Ireland. Before I proceed, as I shall directly do, to inquire whether this establishment be really deserving of this exalted station—whether providing good government, in short, is not a far better thing than maintaining a set of domineering priests in idleness—before I do this, I would first inquire into the exact truth and value of the assertion of the right hon. Gentleman. The assertion of the right hon. Gentleman was, that the Municipal Corporations would prove fatal to the Established Church. Now, what was and is intended by this statement? What is its precise signification? Does it mean what the words really import—that the religion of the Irish Established Church would be in danger; or that the Church, viz., the congregations, would come to harm in consequence of good municipal institutions? Suppose we take the first hypothesis—suppose we inquire into the assertion, that religion would be in danger. My first question is, why would it be in danger? Religion being in danger, in this case, I imagine to mean, that the Protestants would be likely to change their religion—and here, then, comes the inquiry, why they would be more likely to change their religion under good than under bad or indifferent institutions? I can find but one answer to this question—the clergy would be unpaid. The Corporations, it is said, would lead, in some way not specified, to the non-payment, in any shape, by the state of the Protestant clergy—and thereupon (thus I suppose the argument runs) the parsons cease to preach, and then the people cease to believe. Now, there are some strange things suggested by this train of reasoning. First, it is assumed that Protestant parsons will not preach without state pay. Next it is assumed, that Protestant congregations will lose their religion, if parsons not having state pay desert them: and thus religion is made dependent upon money, and nothing else. I feel a great difficulty in assenting to this statement. I thought that Protestants were accustomed to think their religion the true one; one which had, in its time, been opposed to a powerful state church, and had, in many parts of the world, by its own inherent truth, conquered its opponents; but here we see the professors of this religion, which is said to be based on the right of private judgment, and self-supporting truth, openly avowing that Protestantism will die out, if not fed like a pauper by the state. It should, moreover, be recollected, that the Catholic religion has, in Ireland, no state pay; it is, nevertheless, believed, that although wholly voluntary and unpaid, it will be too strong for Protestantism if they are both left to depend upon their own unaided strength and truth. This speaks not well for the faith of those who use the argument. They must have but a poor opinion of the force of the truth, or they must believe that they ought to doubt their own faith. But it may be said, that I am not putting the right case—that it is not the religion of the congregations that is in danger, but the congregations themselves. The dread is not that the people are likely to lose their faith, but that they will lose their lives. Now, really, if this be intended, it is a great pity that it had not been plainly and openly said; and what is it that is said by this—why, that if you allow the large majority of the people of Ireland to regulate their own municipal affairs, the first thing they will proceed to effect is the murder of all the Protestants. Can any thing be so wild, so outrageous, so thoroughly contemptible, as such an argument; because you allow the Irish to regulate the lighting, watching, and paving, of their towns, to determine how the rubbish shall be carried away, how the pickpockets shall be guarded against, and so on, the Catholics will incontinently proceed to cut the throats of the Protestants. Such and no other is the argument of the right hon. Gentleman, if this hypothesis be the correct one. But no, it may be said that you have again misconceived the argument. What is meant by the Church being in danger, is, that parsons will not be paid—the Church Establishment will be in no danger. Again I say, if this be the real meaning of the argument, it is a great pity that it was not openly and precisely stated, for there is much undesirable confusion and ambiguity created by this species of talk. When you cry out "the Church is in danger," the minds of the people turn to the religion of the people, they fancy that their religion is in danger—and, as religion is held in high estimation, the alarm at such a portentous cry is proportionate to the interest felt. But it seems it is not the religion, but the private, and personal, and pecuniary interest of the parsons of the state Church. I may here be permitted to remark that the Church, in this sense, is just in as great danger as it can be—a danger not to be increased by any change in the Municipal Corporations of Ireland. The majority of the people at this moment object to pay the state Church parsons, from whom they derive no spiritual benefit. The question is wholly unconnected with, and independent of, the question of Municipal Government: deny or grant the reform in the

Corporations, the question respecting the State Church must again recus, and must be settled. You do not hasten, you do not retard, the fate of the State Church Establishment, by anything you do in the present matter. The fate of the compulsory principle is really settled, the doom of forced payments is sealed. Do what you will—insult, injure, thwart the wish of the people in this matter as much as you may —the great question of religious freedom will haunt you night and day. In England, in Ireland, in Scotland, the same question is mooted, and your paltry opposition to the present Bill, will in no way influence the fate of that important subject. It may be thought shrewd policy to bind the two questions together; but to me it appears that a more fatal course, for the very interests which you seek to defend, could not have been suggested. You here plainly tell the Irish people that the existence of the State Church Establishment is incompatible with good Government; and you bring this question at once, in all its nakedness, before the people. We have settled, say you, that what you believe requisite for good Government, and that which we call the Irish Church, cannot exist together. You must determine, therefore, which you will choose. Will you have all the advantages to be derived from municipal institutions —advantages which we allow to be derived from them in England—for the supposed benefits conferred on you by the Irish Church Establishment. We know that you are already inimical to this Establishment—we know that you aver that it has ever stood in the way of peace and good government in Ireland—and we here again, in spite of your preconceived feelings, call upon you to remain quiet and submit to this outrageous insult —to this great and extraordinary injury, because you are to be blessed by the existence of a corporation of priests, to which you have so often manifested an unconquerable disgust. Oh, Sir, this is wise policy!—this is excellent statesmanship! —and be it remembered that it has received the sanction of the right hon. Gentleman, the Member for Tamworth. The truth upon this matter has at length been openly told to the Irish people; and the Tory party—and the right hon. Gentleman—in England, is now allied to the bigot Orangeman of Ireland. There is to be, there can be, no further disguise in the matter. The people of Ireland now know that from the right hon. Gentleman they need expect no hope of peace; and they must bear steadily in mind that persecution will follow his dominion in Ireland. He has thrown off the mask. He is a mere tool of the Orange party. He shouts as they shout; and to obtain their support, he is now fast sworn to uphold in all her rampant prodigality of mischief, the harlot Church Establishment of Ireland. It may, however, be worth the trouble of inquiring in what way the Establishment of municipal rights will lead to the destruction, as it is called, of the State Church of Ireland. Do hon. and right hon. Gentlemen really know what are the rights we seek to confer by this Bill? and have they ever asked themselves seriously this question—in what way can these rights do mischief? I should, for my own part, feel especially obliged to any one who will point out to me, in what the power of appointing constables, the power of regulating the paving and lighting these towns, of conveying water to the houses, and maintaining peace in the streets, is to affect the stability of the archbishops, bishops, priests, deacons, &c., of the Irish Established Church. If we confine ourselves to vague generalities, we may terrify and confuse both ourselves and others. But when we reduce the question to a specific state—when we know what are the powers to be granted—when we know the business and end of Municipal Government—we shall quickly see through, and properly appreciate, the value of all this pompous and inane declamation respecting the dangers of the Church. Party men may blind themselves by this wild jargon; but the world will soon contemn them and their talk. I cannot leave this part of the question without congratulating the right hon. Baronet, the Member for Cumberland, upon the part he has played in this great matter. Some men, it is said, like mischief for mischief's sake; but he, I am sure, is far too devout to desire, and far too shrewd to be content with, mere mischief as his sole reward. Yet am I puzzled to discover what other object he could possibly have in view, when he conceived his argumentation in opposition to the present measure, and successfully contrived to add another element of discord to the already too turbulent compound of Irish politics. The right hon. Member for Tamworth contented himself with stirring up to the utmost of his ability religious strife in Ireland. The right hon. Member for Cumberland endeavours, according to the measure of his ability, to set the poor in hostility to the rich. The one Gentleman made the question depend upon sectarian difference; the other on the distinction between rich and poor. Ireland cannot have a good Government, says one, because the majority are Catholics. Ireland cannot have a good Government, says the other, because the Catholics are poor. One bands the Protestant against the Catholic—the other incites the poor against the rich. Had any one not Conservative done this, how soon would the destructive qualities of these arguments been displayed to this House. In the one case, we should have been shown to be the enemies of religion—in the other, we should have been proved hostile to property; and loud and vehement would have been the denunciations poured out against us for disturbing, by such wild and dangerous doctrines, the peace of that much-injured people. For just in the same way that the right hon. Member for Tamworth has endeavoured to show that good government and the Protestant religion, cannot co-exist in Ireland; so does the right hon. Member for Cumberland seek to prove, that property and good Government must also be sworn enemies. I cannot but admire the benignant inspiration in obedience to which they both have laboured on this memorable occasion. There is one argument on this subject, however, which deserves some consideration. It runs through the speeches of most of those who oppose the present measure, is constantly influencing opinions, though it is never very definitely or distinctly stated. It is thought, that as the community is divided into two separate, and, to a certain extent, hostile, religious sects, the one party will always seek to oppress the other. The majority of the people being Catholics, the moment that you give power to the community generally, you in reality give it to the Catholics; and as the rule has hitherto been for the party in power to persecute, it is believed that now that the Catholics are about to have power, it is about to be the turn of the Protestants to suffer what they have so long inflicted, viz., persecution. And hereupon a great outcry is raised by those who side exclusively with the hitherto persecuting Protestants, and a proposal is brought forward, now that the Protestants can no longer maintain their former supremacy, to take power from both parties; and give up for ever after the pleasures of persecution. The case then stands thus; hitherto the minority have been in power, and have persecuted the majority; it is now proposed to give power to the majority, and our opponents immediately conclude that the majority will now persecute the minority. We should remember, in the first place, that this objection, if admitted, is fatal to all representative Government. Somebody must govern, and the real question at issue in all such cases is, whether the majority or minority shall govern. Hitherto, in Ireland, the minority have governed, and they have persecuted; we now seek to give the power of governing their local affairs to the people at large, and I see no reason to anticipate any persecution on the part of the majority. It should always be borne in mind, that the position of a minority and majority are essentially different. The mere necessity of self-defence, the desire for gain, all induce tyranny on the part of a few possessed of power. Now the interests of the majority, for the most part, coincide with the interests of the community, and, being the larger number, fear does not drive them to harsh conduct. But let us inquire how the majority can persecute in this case. You say they will persecute, because they are Catholics—that they will persecute the Protestants. Now, I ask in what manner? Have hon. Gentlemen inquired, what are the powers conferred by this Act on the city communities?—really and truly nothing beyond the power of cleansing the streets, paving them, lighting the town, and watching. And is it to be believed, that a corporation will leave rubbish before a man's door, because he is a Protestant; that, for the same reason, they will not pave the street before his house, and that they will tell the watchman not to watch it? And even suppose them to do all these things, how, I ask, is this to affect the Irish Church Establishment. Really, Sir, when this opposition is put upon anything like a definite ground, it necessarily appears so ludicrous and contemptible, that we are driven to believe that something more is intended than is openly stated. Seeing, then, that on none of the grounds stated is the opposition, so fierce and steadfast as we see it, at all rational, can there be found any other more worthy of consideration—though kept in the back ground by the hon. Gentlemen opposite? Yes, Sir, there is such a reason—one not very creditable, indeed, not very honest—but one which everybody can understand. The intrinsic merits of the question have not been considered; the subject has been thought important as a matter of party warfare. There is no dread of persecution—there is no fear that these corporate bodies will or can attack the Irish Church; but it is believed that they will accustom the people to self-government; that the great masses will thus, by the protection afforded them, become more powerful; and that the oppression and insult which have so long been the favourite pleasure of the persecuting minority of Ireland will thus be entirely destroyed. The powers conferred are not the things dreaded; the immediate mischief to personal security or to property, which is so much talked of, is not, in fact, apprehended; but the habits that will be created among the people are indeed, viewed with intense and uncontrollable terror. We dread, says the peaceful Orangeman—he who has been a turbulent tyrant all his life—we dread the agitation that will be practised in these corporations. There is nothing like giving an ill name to a thing; this fashion of fallacy is as old as language. Let us, however, learn what is actually meant. What is meant is, that the people of the towns will now govern themselves; they will be accustomed to elect their own councillors; these will daily, before the eyes of their constituents, carry on the business of the neighbourhood; the people will watch them; will acquire daily and hourly the habits necessary for the due use of the representative machinery; they will daily get still further beyond the subjection to which they have hitherto been accustomed. In short, Sir, they will hourly become a more independent and better governed people. Hence this opposition—hence all this anger—hence all this base dissimulation, this whining hypocrisy concerning religion and Protestantism. Religion is not what they are anxious about, but power—power which they are about to lose, and which, up to the present day, the Government of this country has allowed them to employ to their own individual benefit and the general ruin. In the hope of exciting the people of England to resist with them this desired reform, they have attempted to join their unholy interests to those of the religion of this country: they are now trying to play upon our credulity, and seek, by the aid of fanaticism and bigotry, to maintain their own mischievous dominion. But their day is over; their power is doomed to destruction; and spite of the assistance and pious endeavours of the hon. Gentlemen opposite, justice will be done to Ireland. Before I sit down I hope the House will permit me to call their attention, and more especially the attention of the right hon. Gentleman, the Member for Tamworth, to the end which the opponents of this Bill must have in view. If we deny this measure to Ireland, we must be prepared to govern that country upon principles entirely different from those by which the government of Great Britain is guided. Now, I am not going to ask if they be willing to do this. I would only ask the right hon. Gentleman if he can do it? Does he believe that a whole people, amounting to nearly seven millions of souls, are to be thwarted and insulted with impunity? Does he believe that at this period of man's history, and by the side of the most enlightened nation of the earth, principles and doctrines of government suited for the dominion of St. Petersburg can be carried into actual practice? Let me put the question plainly: Does he, does any one, believe that the system of Protestant supremacy can be continued in Ireland without civil war? Is he prepared upon any grounds stated by him, or that can be suggested by his friends, to risk a civil war in Ireland? If he be not prepared for this, his conduct appears without any defence. Party politics, I know, sanction many things; but in the estimation of all wise and virtuous men some further justification for this fearful hazard will be required than the acclamations and applause of party adherents; some better reason will be demanded of him than the desire to bring under his banner the bigots of the Protestant party; some further excuse will be sought than the maintenance of Protestant supremacy! The world at large usually attributes to the right hon. Gentleman the quality of prudence. He has won this reputation by a regulated demeanour, by a somewhat precise, formal, and guarded manner of expressing his opinions. A reputation of this description is, I allow, of great advantage, but it leads to a severe scrutiny of the conduct of these gentlemen of staid reputation and they are condemned when others might pass without much comment. We assume that the right hon. Gentleman always knows what he is doing—that he has weighed the consequences of his acts, and that he is prepared for them. Thus, in the present case, we assume that he sees the great dangers of his course—we suppose that when he has aided in denying this measure to Ireland, that he is prepared to govern her at the bayonet's point—that he is prepared to justify before the people the ruin, disaster, and bloodshed that will follow his hopeful project. We presume that he sees these things, that he acts upon reflection—and we judge him accordingly.

Mr. *Shaw* said, the hon. and learned Gentleman who had just sat down, having arrogated to himself the office of censor of the debates of that House, must surely have had the noble Lord, the Secretary of State for the Home Department, particularly in his eye, in the censure with which he commenced his speech, because it was admitted on all hands that the noble Lord had induced the digressions from the immediate subject of debate, of which the hon. Gentleman complained, and threw out a challenge to the opposition side of the House, which had been boldly accepted and fairly met by his hon. and learned Friend, the Member for Bandon. The noble Lord, aided and assisted by another noble Lord, the Secretary for Ireland, invited, provoked, and compelled a discussion on the general position of affairs in Ireland—he called upon his hon. and learned Friend to go into a justification of the resolutions, condemnatory of the whole course and policy of the Irish Government, which had been passed at the great Protestant meeting in Dublin; his hon. and learned Friend had, he apprehended, given a full answer, to the entire satisfaction of the House and the country, and to the great dissatisfaction and discomfiture, he had every reason to believe, of the noble Lord and his Colleagues in the Government. He was determined, however, not to deserve in this respect any portion of the censure of the hon. and learned Gentleman, and should therefore direct the few observations with which he thought it his duty to trouble the House immediately, to the subject matter under consideration. The hon. and learned Member for Bath asked why they refused to the people of Ireland those municipal institutions which had already proved so useful to this country? First of all, no answer had yet been given to the speech of the hon. Member for Tynemouth (Mr. G. F. Young,) who denied that such institutions were useful to England, and they had just heard from his hon. and learned Friend, the Member for Huntingdon (Sir F. Pollock), a striking fact in corroboration of that opinion, that no town or borough in the kingdom had yet applied for municipal incorporation. But he would not be satisfied with this. He would meet the argument fairly and directly. He would admit, as the hon. Member for Bath stated, had been admitted the other night by his right hon. Friend, the Member for Tamworth, that, *prima facie*, they should have identity of legislation, and, if possible, extend the same principles of Government to Ireland as they applied to England. He fully agreed in all the abstract truths deduced from historical research and philosophical reasoning, with which both the speeches of the hon. and learned Member for Liskeard (Mr. Buller), and of the hon. Gentleman (Mr. Roebuck) abounded, and that was their sufficient answer—but after that frank concession, he came to the real point in debate, and he maintained that it was the part of a wise Legislature to legislate for every country not merely upon abstract principles, but to give due consideration and weight to the peculiar condition and existing circumstances of that country. The hon. and learned Gentleman asked why they would not allow to the people of Ireland the power of managing their own concerns. His answer to him was this—if by passing this Bill, they invested the Irish people with that nominal power, there was a higher power in Ireland that would not allow them really to manage their own concerns. The hon and learned Gentleman asked, why, having given them national power, they should not also give them local power? His answer was, if local powers be given, they were plainly told those local powers would be abused to bad purposes—and they were told so by those who, avowing the disposition, had undoubtedly the means to verify their own predictions. The noble Lord, the Member for Northumberland (Lord Howick), said, that the question of the Church had, for the first time, been introduced upon the present occasion; on that point he begged leave to differ from the noble Lord. He had himself glanced at the subject, and the right hon. Baronet, the Member for Cumberland, near him, had discussed it at large when this question was under debate last Session. But suppose it was so, what then? What was the cause? The plain and obvious reason was, that since the close of last Session it had been openly avowed, and however indiscreetly, yet vauntingly boasted, by those who were the real promoters of this Bill, that the object they had in view, if they obtained the Bill, was the overthrow of the Established Church in Ireland. The noble Lord asked, had the Church become so obnoxious to the people of Ireland, that if invested with local power, they would use it in order to effect its subversion? His answer was, such was not his argument; the argument upon that side of the House was this—the Church was so obnoxious to those who blindly led the great mass of the Irish people, that they declared they would use the powers so conferred, to the subversion of the Protestant Establishment. The noble Lord stated, not very fairly in reply to the argument used by his noble Friend, the Member for North Lancashire (Lord Stanley), that it had been admitted by him that corporate privileges should not be denied to the people of Ireland because they were Irishmen, but because they were Roman Catholics. Now, he must be allowed to say, he heard no such argument. The argument of his noble Friend (Lord Stanley) was, that, inasmuch as, in the present condition of Ireland, considering the unhappy religious dissensions which prevailed in that country, no matter whether Protestants being the minority and the great majority Catholics arose from accident or not, still the fact was so, and the objection was, that granting, in that state of affairs, this power to the people of Ireland, must inevitably lead to still more marked divisions of parties into Protestants and Roman Catholics, and therefore prove equally prejudicial to the one and the other. But with respect to the real question before the House, he would first clear the ground of the points on which there was at present no controversy. They agreed, then, in abolishing the old corporations. They agreed with hon. Gentlemen opposite further—he alluded only, at present, to the Government, he did not speak of those who were the real promoters of this Bill—in abolishing the old corporations, for, in candour, his Majesty's Government must admit that this Bill absolutely annihilated the old corporations; but they agreed also in this, that the object should be to secure the peaceable and good government of the cities and towns in Ireland. In what, then, did they differ? They only differed as to the best means of attaining that object. The Government said, "We will grant forty-seven corporations, town-councils, and all their accompanying machinery, to Ireland at once, without regard to, or consideration of, the peculiarities in the existing condition of that country." What did his side of the House propose? to provide for the administration of justice, in the first instance, and in that respect they were content precisely with what the Bill of last year contemplated. With the single exception of mayors, as far as regarded recorders, sheriffs—the whole administration of justice, their object was to adopt the provisions of the Government Bill as it stood last year. With respect to the police, they agreed to the Government Bills for consolidating the constabulary and police force, and placing them entirely under the control of the Irish Government. They proposed to provide for the discharge of corporate functions precisely as at present, by the boards and commissioners who now discharged them; they would make over charitable funds to charitable trustees appointed for the purpose of administering them; they would abolish tolls, and then, if anything should remain of corporate property, and it must be a small sum, instead of wasting it in useless show or festive extravagance, assign it in each district for the benefit of all the inhabitants. He would next consider what was the difference upon this question between the two great political and rival parties, into which it was too notorious to deny Ireland was unfortunately divided. The one, the Protestant party, which, however, contained many respectable Roman Catholics, and as his hon. Friend, the Member for Limerick (Mr. S. O'Brien), had stated, there were frequently Protestants returned by the opposite party. His hon. Friend's own case, however, afforded a strong illustration that theirs was no easy service. His hon. Friend had felt the despot's rod, and found his right contested to be the independent representative of his own constituents. He, however, took the distinction without meaning it invidiously or offensively; he had no desire to perpetuate religious animosity; but for convenience, and in order to avoid circumlocution, he would designate the one party Protestant, and the other Roman Catholic. What, then, did the Protestant party say? They expressed their willingness to give up these corporations, the more ancient of which were established for the sake of preserving British connexion, and the more recent for the express purpose of strengthening and maintaining the Protestant religion. Seeing the change of circumstances—considering that the Roman Catholic Relief Bill had become law, and the Reform Bill had greatly altered the franchise—taking these things into account, and taking the view of rational men dealing with the altered and actual state of society, they were willing to surrender all exclusiveness—to give up the peculiar political influence belonging to those corporate bodies, but no more; they would not consent to have them transferred to a hostile interest. But the Roman Catholic party said—" No, a little while ago we should have been very glad if you, the Protestant party, had offered us the abolition of those corporations, but now we are grown too strong for that." He believed the very words used by the hon. and learned Member for Tipperary on a former occasion, when referring to this subject, were—" No, no; you have had your turn long enough, and we shall have ours now." What did those words mean? Why, this —" You, the Protestant party, have used these corporations for the purpose of upholding British connexion, and defending the Protestant Establishment in Ireland; it is now our turn, and we will use them for severing the one, and subverting the other." Such was the language of those two great parties; and what, let him ask now, was the conduct of the Government? Was it their desire to eradicate the evils complained of, or only to transplant them to a soil where they would flourish with greater luxuriance? Was their real object to grant to Ireland a measure required for strictly corporate uses; or merely to concede to a clamour, which they had not the strength to resist, a colourable pretext for establishing forty-seven political associations or debating societies throughout Ireland, under the false pretence and fraudulent title of the ancient corporations of that country? The first clause, it was admitted, absolutely extinguished the ancient corporations. Let hon. Members look at the 62d clause, and say whether the *bonâ fide* intention of this measure could be to give sound municipal institutions; or whether it was not only a fraudulent pretext for some ulterior object. The 62d clause recited—" And whereas it may be expedient that the powers now vested in the trustees or commissioners appointed under sundry Acts of Parliament for paving, or lighting, or cleansing, or supplying with water, or improving certain boroughs or certain parts thereof, save and except as hereinafter mentioned," and that exception was most important, " should be transferred to, and vested in, the councils of such boroughs respectively. Be it enacted, that the trustees or commissioners appointed by virtue of any such Act of Parliament as last aforesaid, wherein the trustees or the persons whose trustees they may be, are not beneficially interested, may, if it shall seem to them expedient, at a meeting to be called for that purpose, transfer in writing all the powers vested in them as such trustees," &c. That recital proved this fact, that all those municipal functions at the present moment in all important towns in Ireland, with the exception of Dublin, to which he would immediately allude, were actually discharged by boards and commissioners; and the clause empowered them, "if it should seem to them expedient," to make over those functions; but Government did not make them over; and then what was the exception? " Provided always that nothing herein contained shall extend to enable the commissioners for paving, cleansing, and lighting the streets of Dublin, or the commissioners for making wide and convenient streets in the city of Dublin, or the corporation for improving the port and harbour of Dublin, so to transfer the powers vested in them respectively." So that the Government, suspicious of their own measure, seeing its total inapplicability to Ireland, were afraid of applying it to Dublin; they reserved all the functions performed, as they were by boards and commissioners, with but a few exceptions, throughout other parts of Ireland, in case the boards or commissioners thought fit; but absolutely and without any option to the commissioners in the case of Dublin, beyond all comparison the most important corporation—the corporation of Dublin having three times the corporate property, and a population greatly exceeding the whole possessed by thirty-six out of the forty-seven towns proposed to be incorporated by the Bill. And besides, what did their commissioners say upon the subject? At p. 92 of their report, they stated this—"In fact, the present establishment of the Paving Board is adequate, with the addition of a few clerks, to regulate the affairs of all the local taxes of Dublin." What was the opinion of a body which he could not but think must have exercised a very important influence in this matter—"The Central Independent Club," or "National Association" under a different name? At a meeting held at the Royal-Exchange on the 13th of February, 1836, "to secure the independence of the city of Dublin in reference to Corporate Reform," how did they explain their notion of the great utility of the proposed Corporate Reform? In these words—"By this means the club will be able to wield such a corporate constituency as to secure the wards, the common-council, the board of aldermen, and every other office of dignity and influence." What, in the next instance, was the opinion of the hon. and learned Member for Kilkenny? It was shortly this—"The first thing," said he, in his sworn evidence before the commissioners, and I read from the notes of the short-hand writer, "which a reformed corporation should do, would be to build a common-hall; there is no place now where the public business can be adequately transacted," and that, although there was at present a hall capable of accommodating at least 300—capacious enough certainly for all practical purposes; but the real object of the hon. and learned Gentleman was, to have a large debating society established there—a legalised arena for political agitation. What said Schedule C? It contained the names of thirty-six boroughs which were to have Municipal Corporations. The entire population of these thirty-six boroughs was but 225,147—40,169 less than the population of Dublin alone. Thirteen of the thirty-six boroughs had no corporate property at all, while the property of the whole amounted to only 13,097*l.* 2*s.* 1*d.* Could the *bonâ fide* object of Government then be to give corporate institutions to those towns? Would it tend to promote their peace, tranquillity, and good government, to subject them to yearly elections, perpetual collections of borough rates, everlasting canvassing, daily recurring exhibitions of party triumph, and the eternal bitterness of religious animosity. Could such a scheme really and seriously for a moment be defended as a means of tranquillizing Ireland? Was this the panacea for all the evils of Ireland, the remedy for all her wrongs? The means whereby to supply her many and urgent wants? The same virtues were ascribed to the appropriation clause of last year, and where was it now? There were upwards of 2,000,000 of the population on the borders of starvation in that country, and would the granting of municipal corporations to 200,000 feed the hungry or relieve the destitute? What, then, was the real object? He would state it on the authority of the real promoters of the Bill. He was sorry to be obliged to refer to the speeches and letters of the hon. and learned Member for Kilkenny; and he could assure the House it was without the smallest personal consideration or motive in respect to that hon. and learned Gentleman that he did so. But if they had a right to refer to the King's speeches in order to ascertain the sentiments of his Majesty's Ministers, those who maintained, as he (Mr. Shaw) did, that the hon. and learned Gentleman was dictator of the King's Ministers, surely had a right to read his authentic writings and speeches in order to learn what their real sentiments and designs were upon this subject. The hon. and learned Gentleman complained of the irrelevancy of the quotations which were made from his speeches five or six years back; that was an unreasonably long time to expect the hon. and learned Gentleman to be consistent; but that observation could not apply to the document he was now about to quote, and he heartily wished that the hon. Member for Shaftesbury, who expressed last night such a horror of the instalment principle, had been present in his place to listen to it. On the 28th September last, in a letter addressed to his constituents, the hon. and learned Member for Kilkenny says this:—"You are well aware that the governing rule of my political conduct has been to obtain for Ireland as much as I possibly could—to get entire justice for her if I can; but if not to realize as much as possible. In other words, there is a national debt of justice due to Ireland—I look for the payment of the whole, and will never be satisfied until that whole is discharged in full: but in the meantime, I will take any instalment, however small, at any time, when to get more is out of my power, and then go on for the balance." They were told that the National Association had arisen out of a denial of corporate reform, a denial of justice to Ireland. That was the greatest possible mistake. Corporate reform never would have agitated the people of that country if it had not been mixed up with other more exciting subjects—the abolition of tithes, the destruction of the church, and the real, though partially concealed one of the repeal of the Union. The very same letter bore authentic testimony upon this point. "This is precisely the principle (continued the hon. and learned Gentleman) I have acted upon with respect to the tithe system in Ireland, My opinion is, that tithes ought to be totally abolished, and that ultimately nothing less than the abolition of the entire will or ought to satisfy the Irish people. I may be mistaken, but these are my deliberate and fixed opinions. I heartily supported the ministry of Lord Melbourne in their measure of tithe relief, not as giving all I wanted for the people of Ireland, but as giving us a part, and establishing an appropriation principle which would necessarily produce much more." Alas! the poor, extinct, discarded, ill-used appropriation principle!—The hon. and learned Gentleman then condescended to touch upon the question of corporate reform, and what was his language upon that topic? He insisted upon his instalment principle here also. He said, "I supported the government plan of Irish municipal reform throughout, not that I approved of it in all its details, but as an instalment, and an instalment for what?" This bill was never found fault with as not going far enough in corporate reform. What then was it to be an instalment on account of? Why, clearly, the other measures mentioned in this same letter—and as in the letter quoted by his right hon. friend, Sir James Graham, the other night, in which the hon. and learned Gentleman said, 'Give me corporate reform, and I'll soon carry all the rest.' Then the letter continues; and here we find the real cause of the change in the sheriffs' clause from the bill of last year, in the written instructions of the dictator of the present measure.—"I cannot, however, again support such a bill as we sent to the Lords last session, because that bill took from the reformed corporations the power to nominate to the crown the persons fit to be sheriffs. The bill, as brought into the House of Commons, was not so; it contained that power, and I, for one, will not support any bill in future which does not contain that clause." He maintained if other more exciting subjects had not been mixed up with this question, there would have been no call for corporate reform at all in Ireland. He knew it to be a fact; as a measure of relief it had never been thought of; but, associated as it had been, with other more agitating matters, it reminded him of the old story of the Irishman who, on being asked what he would have to drink, replied, "He did not care if it were only intoxicating." It was necessary to mix the question up with other more agitating and exciting subjects—and what said the hon. and learned Gentleman next? for this perhaps was the most extraordinary and important portion of the letter, considering the offer of abolition made on his side, and the extravagant and absurd use made of our not consenting to the creation of new corporations—hear the hon. and learned Gentleman himself on this point, he says, "If Lord Lyndhurst had contented himself with leaving the people of Ireland uninsulted, and had shortened the Corporate Reform Bill to the mere extinction of the present corporations, I would have voted for the Bill in this shape."—Where, then, was all the insult and all the national degradation? What, after all, did Lord Lyndhurst say in the warmth of debate, and said, as he had since over and over again explained, without meaning anything offensive to the Irish people? But, above all, what was it to the language which the hon. and learned Gentleman had used a thousand times respecting the people of England generally? And still more—how can the mere expressions or words of Lord Lyndhurst, or any other individual, alter the intrinsic merits of a question?—and so it seems this unpardonable insult—this outrage which nothing but blood can wipe out, the hon. and learned Gentleman himself was ready to be a party to. What said the hon. and learned Gentleman on another topic in the same letter, the repeal of the Union?

"For this purpose it is, in the first place, necessary that we should not for one moment lose sight of this important fact, that we repealers are at present engaged in an experiment. We have not abandoned the repeal, we have only postponed all agitation on that subject to give time, space, and opportunity to work out our great experiment. Two questions on this subject naturally present themselves:—The first is, how long the experiment is to last? The second is, whether it is likely to be successful?" And let the House listen to the hon. and learned Gentleman's answer to the second question:—"To the second question my answer is distinct and emphatic. I am convinced of the utter impossibility of obtaining justice for Ireland from any other than an Irish parliament." Then they were told that the National Association "was the spawn of their own wrong," and that it was in consequence of their refusal of Municipal Corporations to Ireland that it had assumed such an attitude of menacing defiance. Upon this subject he had also a good authority to quote to the House. A meeting took place on the 29th of January, in one of the country parts of Ireland, where a gentleman appeared who had been commissioned by the hon. and learned Gentleman himself to act in the character of a pacificator, and let hon. Members pay particular attention to his language and the resolutions which were there passed. The first resolution was:—"That we express our anxious wish that every liberal Member will support such measures as may shorten the duration of Parliament, extend the suffrage of the people, and facilitate the adoption of the vote by ballot." Then followed this other—"That we place entire reliance on the General Association of Ireland—that we will support their views, and pay respect to their advice, and that we will proceed with the collection of the justice-rent throughout this parish on next Sunday, Feb. 5." Now, what were the objects of that Association, on what was it founded, and how had it worked, always bearing in mind that we are told it was caused by the refusal of this Bill, and that corporate reform is its first and leading object? The subject of corporate reform was never so much as mentioned at their meeting. In the first place, the chairman introduced Mr. Marcus Costello, a barrister of talent, and, he believed, a gentleman of honour, but, notwithstanding, who, though now a "pacificator," had broken the peace himself, and been punished for it. The chairman introduced him to the meeting as Counsellor Marcus Costello, the chosen pacificator of Mr. O'Connell, and the representative of the Association. Mr. Costello said, "I shall clearly explain to you the reasons why every man amongst you, did he but leave sixpence behind in his pocket, should become a member or associate of the great body I have the honour to represent." What were the objects of that body? First, with respect to Lord Mulgrave's government:—"In connexion with this nobleman's vigorous conduct, I must mention a fact not generally known—it was my friend, Mr. Purcell, who paid me my fee to prosecute the two policemen, Scott and Porter, for an assault. They assaulted the man for giving a pound to the justice-rent, and when my Lord Mulgrave became cognizant of all the facts, he dismissed them both. What was the result? Though it affected personally but a few, the circumstance fled like wildfire, and was rapidly diffused among the police; and depend on it they will be slow and cautious to meddle with you"—"with you"—observe the emphasis—"on any frivolous pretence. Under Lord Mulgrave's administration you can look confidently for justice and impartiality." That reminded him of a definition of impartiality given by the Rev. Mr. Tyrrell, a Roman Catholic priest, at the Carlow election the other day, who said, speaking of Lord Mulgrave, that "he administered his government without any improper partiality." Mr. Costello went on—"There is a great array of power and strength against us. They have power enough to send Lord Mulgrave away from us. These occurrences would again take place but for the strength and wisdom of the present association. The venerable Catholic hierarchy are members of it;"—aye, and as we learned from my hon. Friend, the Member for Belfast, 600 Roman Catholic priests to boot. Mr. Costello continues—"But we cannot proceed without the sinews of war, without money. If you but knew all the demands upon us; within the last six months we have expended upwards of 2,000*l.* Lawyers and attorneys are employed to watch and defend tithe victims. I do not say we employ them, we do nothing illegal; but somehow we have the knack of getting the thing done. We have ingenuity enough." Now observe, they had been told that the sole object of the association was to obtain corporate reform, and that whenever that end had been gained it should be dissolved, but he (Mr. Shaw) entreated the attention of the House to what followed. Sometimes when the hon. and learned Gentleman (Mr. O'Connell) was away, the juniors were not so prudent, and the truth came out. Let us, then, hear, in the words of Mr. Costello, the delegated agent of the Association, its true and real object. Mr. Costello proceeded, "I venture to prophecy in twelve months we will break the necks of the parsons—we will do more, we will take care that Ireland be represented by impartial, honest, independent men, if the clergy act as they have heretofore done." This gentleman, then, having stated that the Roman Catholic hierarchy had become members of the Association, and it appearing that the four Roman Catholic archbishops were among the number, he would, for the purpose of testing the value of this cry about corporate reform, and also learning the real notions of the most influential members of that Association, refer to the opinions of certainly one of the most distinguished for talent amongst the prelates of the Roman Catholic Church in Ireland. He held in his hand a letter from the Roman Catholic Archbishop of Tuam, Dr. M'Hale, in which the following passage occurred. The Association had been established, it was said, solely with reference to corporate reform; but what did Dr. M'Hale say? He had received a letter requesting him to interest the clergy in the Association, and he answers thus:—"I hope there is no clergyman in this diocess who will not contribute to that fund. I trust, too, that there is not an individual in Ireland, however humble, who will not shortly give his offering into the national treasury." Observe the name the Roman Catholic Archbishop baptizes the society with. "The triumph that crowned the Catholic ought to be a lesson to guide the General Association." "The tithes shall be extinguished for ever." "It is from the creation of that establishment the poor of Ireland may date the epoch of their being outlawed from the common privileges of humanity; they can never hope to be effectually restored until the Legislature issue the decree of its fiscal annihilation, after which little will be heard of polemical acrimony." He was sorry to trouble the House further, but he must call their attention to another document—a letter from the hon. and learned Member for Kilkenny himself—a letter written the other day to the Association, in consequence of a motion he had made in that House. And what did the hon. and learned Member say? "I have not as yet received any petition for presentation, although many were signed and ready when I left Dublin. It is important that the petitions for the ballot should arrive as soon as possible, and as numerously signed as may be. Petitions for the total abolition of tithes, a speedy reform of the Irish Corporations, and vote by ballot, according to the directions contained in the printed instructions," were also required. What, then, was the nature of that Association? And was not this corporate reform made a mere stalking horse for its ultimate designs? He held in his hand a copy of the Act of Parliament which suppressed the Roman Catholic Association—and he maintained that the National Association, as stated by Doctor M'Hale, was nothing more nor less than a revival of the old Catholic Association. Supposing that opinion to be right, why, he might be asked, not try the question by law? He was not giving an opinion that the Government should put it down; but suppose the noble Lord were advised that the inquiry should be instituted whether that body was contrary to the law, who would be the first person to whom he would apply for advice? Why, the very confidential adviser of that association, who nursed it in its infancy, who by his zeal and assiduity reared it to its present strength and power, and had been publicly thanked for having done so. Could the noble Lord in common sense and reason, or without an outrage on both, appeal to Mr. Pigott whether his Majesty's Government were bound to put down the Association? Or, supposing they were to try the question by issuing a warrant, arresting some one of its members, and put it into the hands of Mr. Laurence Cruise Smith, whom Government had lately appointed a stipendiary magistrate, who had over and over again occupied the chair of that Association, and was one of the most noted agitators in Ireland—would the cause of justice, in such a case, have the smallest chance of success? and yet under ese circumstances we were disdainfully told that the Protestants and other peaceable inhabitants of Ireland had no just cause of complaint. Upon the whole of this case—was it reasonable—was it statesman-like—was it not an extravagant outrage upon common sense—to charge them with premeditated insult—to talk of national degradation—to invoke mutiny and eternal discord—and, like the hon. Member for Liskeard (Mr. Buller) to threaten them with civil war, because they ventured quietly and calmly to hold the opinion that in the present state and circumstances of Ireland it was safer and better after abolishing the old, not to create new corporations there? In looking over some newspapers of last year he had happened to come across one which contained a letter from Sir F. Burdett to the electors of Westminster, in which, speaking of the English Corporate Reform Bill, the hon. Baronet made the following observation:—"As to the corporate bill, I am inclined to think that it would have been better to abolish the old corporations, and not to have created new." Was that an insult to the English people?—and might not Irishmen, without intending any, hold the same language as to Ireland? He had last year quoted a letter from General Cockburne, an Irish Gentleman of great respectability, but of politics entirely opposite to his, to the same effect as regarded the present measure. He knew many Roman Catholics, merchants, and men who thought more of business than of party, who took the same view of the question, but who with safety to their business durst not express it openly—and upon this same principle it was, that he founded one of his strong objections to the measure, knowing that independent Roman Catholics would not hold offices under the new corporations, apprehensive of injury to their business, or annoyance to their family—if, in the discharge of their public duties, they did not yield a servile obedience to the petty tyrants who would seek to control the proceedings of those bodies. English Members who spoke, appeared to forget that this was not a question merely between England and Ireland, but that a great, and, let him add, no inconsiderable portion of the Irish nation opposed it. He would not allow hon. Gentlemen opposite to monopolise every feeling of patriotism; he, as an Irishman, was one who would not submit to any really national insult; he felt, however, that he could stand erect among his noble right hon. and hon. Friends around him, although Ireland was left without town-councils—just as the merchant at Birmingham or Manchester did not hang his head at Leeds or at Liverpool from a consciousness of degradation, because the former had not, while the latter enjoyed, the great dignity of municipal corporations. He contended that the tone of the noble Lord (J. Russell) and his Majesty's Ministers conveyed much more real insult to the Irish nation than was for a moment contemplated by the refusal of this measure. The noble Lord, and he was followed by the noble Lord the Secretary for Ireland, both, by the way, being but the echo of a speech of the hon. and learned Member for Kilkenny (Mr. O'Connell) at the Catholic Association, had charged—and he believed most unjustly and unfoundedly—the magistracy, composed of the gentry of Ireland, with encouraging faction, feuds, and party fights, in order that the people might maim and destroy one another upon the abominable principle of *divide et impera.* Again, was it no insult, no outrage upon the feelings of the many widows and orphans of the murdered victims of five years' cruel and unrelenting persecution of the Protestant clergy in Ireland, to ridicule the bare notion of their sufferings, to deny them even the poor retribution of complaint? The noble Lord could not have consulted the better feelings of his own heart, if he had contemplated for one moment the condition of many a clergyman's family at the very time he was speaking. He had heard from such since, in remote districts of that country, where the pious minister, impelled by a high sense of duty, resists the entreaties of his family, and goes forth amidst the threatenings and danger upon his daily ministrations. His wife, meanwhile, and her children drawn in anxious alarm around her, watch his returning steps with breathless anxiety, listening with trembling fear to every breath of wind, lest it should bring the report of the murderous weapon raised to destroy, or the deathcry of the husband and the father—their only earthly hope, the single means of their support. The noble Lord could never have intended it; but was it not calculated to harrow up the wounded feelings of such a family as that, to be told that it was only because there "was such a charm in melancholy, that they would not, if they could, be gay?" Then that important body of the Irish people, who in an immense proportion represented the rank, the wealth, the intelligence, and the independence of that country, were designated by the noble Lord as a miserable monopolising minority. Was the Marquess of Downshire, who long supported the Whigs, and was the consistent friend of Roman Catholic Emancipation, a miserable monopoliser? Was the head of the Hutchinson family—a family who for half a century had been the zealous and untiring advocates of popular rights, and the relief from Roman Catholic disabilities—was Lord Crofton, and many others whom it would be too tedious to mention—but though last, not least, he could not pass over Mr. Naper, the chosen Commissioner of the present Government—almost the only independent Gentleman who visited the Irish court—was he, too, a miserable monopoliser—driven, not till the last moment, to subscribe to the resolutions which had provoked the present discussion, because, as he himself so well expressed it, he saw the Irish Government in that condition of miserable weakness and dependency, that they were at the same time "ashamed to destroy, and afraid to defend," the rights and properties of the Protestants of Ireland? He could wish plainly to tell the House, and the country, what it was this "miserable monopolising minority" asked, and what now it was they refused? They asked, they desired, nothing but equality, equal justice, impartial administration of the law, security for their persons, for their properties, for their liberties, and their religion; they offered to surrender all monopolies, all exclusiveness, all peculiar political influence; but they entreated you not to transfer these to their opponents; they desired no superiority, no ascendancy, nor to inflict on their opponents any civil inequality; but their Protestant Church Establishment they would cling to with all tenacity; they would support it with the last farthing of their property; they held their lives cheap in comparison with it; they knew that there would be no safety to either their properties or their lives without it. Ay, and they knew, too, that it was the best security, even for the rights and liberties of their Roman Catholic fellow subjects. If the vote could be taken that night upon the question, whether or not the present Bill was calculated to destroy that Church, a large majority would affirm that proposition; he would employ the hon. and learned Member for Shaftesbury to draw the pleading, and take care there was no false or immaterial issue; but let him bring out at once the plain, straightforward honest question—does this Bill, or does it not, tend to the subversion of the Protestant Church in Ireland? As it was, he knew there would be a large majority against his side of the House; some of his own hon. Friends would not vote to abolish the old corporations; many were lukewarm on the subject, and many on the other side would vote from a secret conviction, that the Bill was a blow aimed at the Irish Church; others, from an honourable desire to support the Ministry; for, disguise it as they would, depend upon it, the vote that night would neither be one on the Church question, nor yet given because a Bill of corporate reform is vital to the peace and tranquillity of Ireland, but because the same use had been made of this question, which last year was made of the appropriation clause—it had ingeniously been made vital to the existence of the Ministry. Many, from an honourable and amiable motive would, therefore, vote with them. Some, who liked their persons, but not their measures, and others, who favoured their measures, but not themselves, would feel in honour bound not to desert them in their distress. He knew not whether the noble Lord had felt, or ever would feel, the pain, but he certainly might discern, in that debate, the symptoms of a mortal disease in the Ministry with which he was connected. It might be a question of time, a little more or less, but he was persuaded, notwithstanding the opinion of the noble Lord to the contrary, that the people of England would consider this a religious question—would be surprised at the noble Lord and his Colleagues adopting the views of the hon. Members for Liskeard and Bath on that subject; and that the Protestants of Ireland would not, in their extremity, appeal in vain to the religious and generous sympathies of their brethren in England and in Scotland. The people of this country were, as it had been truly observed in the debate, slow to move—they resolved not quick, but once resolved, they were very strong. The noble Lord might be assured, that whatever was the vote of the House that night, the minds of the sober and rational people of Great Britain were turned from the present Ministry: they patiently waited their time; but their hopes were steadily and determinedly fixed on one who, as he had himself said, and would prove, disdained to hoist false colours, to conciliate the favour of any party; but who had manfully declared, in the face of the nation and the world, that the principle of his government would be "to support the national establishments which connect Protestantism with the state, in every portion of the United Kingdom."

Debate again adjourned.

HOUSE OF LORDS,

Wednesday, February 22, 1837.

MINUTES.] Petitions presented. By Lord REDESDALE, from West Moseley, against Abolition of Church Rates.—By Lord GODOLPHIN and the Earl FITZWILLIAM, from Willingham and Peterborough, for the Abolition of Church Rates.—By the Earls of DEVON, SHAFTESBURY, Lords KENYON and REDESDALE, the Bishops of BATH, WELLS, and EXETER, from Dunstable, Lyme Regis, and other places, against Abolition of Church Rates.—By Lord CLONCURRY, from St. Micham, Dublin, for Poor Laws (Ireland).—By Lords STRAFFORD, BROUGHAM, the Earl of RADNOR, the Marquess of CONYNGHAM, from various places, for the Abolition of Church Rates.—By Lord CLONCURRY, from Corry, for Abolition of Tithes (Ireland).

HOUSE OF COMMONS,

Wednesday, February 22, 1837.

MINUTES.] Bills. Read a first time:—Church Rates.

RAILWAYS.—JOBBING BY MEMBERS.] Mr. *Warburton*, in conformity with the notice he had given on the preceding evening, rose to present two petitions to which he had adverted yesterday. The first was from the owners of land in Kent, and related to the Deptord and Dover Railway. There were three names appended to the petition, one of which he knew to be that of a most respectable individual. The amount of the capital of this projected company was 3, 00,000*l.* There were various minor allegations contained in the petition, to which it would be unnecessary for him particularly to advert. One was, that it was said the capital of two former companies had been handed over to the present, while the transfer was not a transfer of real capital, but simply a handing over of the names of those who had subscribed to the first companies, those names being placed on the list of subscribers to the present undertaking, and the same sums placed opposite them, as had stood against them on the former lists. One other allegation was, that whereas the capital in the list of subscribers delivered into that House, appeared to be 3,000,000*l.*, yet in an advertisement put forth by the company, the amount of that capital was stated to be only 2,000,000*l.* These, however, were points of minor importance; and the real complaint was contained in a short clause of the petition, which he would read. He had stated, that the capital of the company was said to be 3,000,000*l.* Now, the House was aware, that by the standing orders, it was necessary to lay before the House a list of the subscribers to such undertakings, whose joint subscriptions amounted at least to fifty per cent. of the estimated capital; and it was further necessary that the address, and place of residence, of those subscribers should be distinctly stated opposite their names. In compliance with that order, a list had been delivered in by the projectors of the present company; and from that list it appeared that 1,590,150*l.* had been subscribed for, exceeding, in a trifling degree, the required amount of fifty per cent. of the whole. In the list so delivered in, there appeared thirty-three names, and the sums placed opposite to those names, amounted to 224,900*l.* Now, what the petition alleged, was, that those persons had no real interest in the undertaking, that they were, in fact, mere men of straw, whose names had been obtained previous to the list being delivered in, in order to make up the fifty per cent. required by the orders of that House, before any progress could have been made with the Bill which was introduced. The second petition was short, and he would therefore read it to the House. The hon. Gentleman then read the petition, the substance of which was as follows:—that there were six out of the thirty-three names which had been alluded to put down for sums varying from 500*l.* to 12,000*l.*, that the petitioners subscribed the contract of the company at the desire of one Jacob Costello, for the sum of 4*s.* They had since, however, been convinced that they had incurred a great and serious responsibility, and that they had been guilty of a gross fraud upon the country, and upon that House; and for these reasons it was, that they had now appealed to the House. The case he had stated was, he thought sufficiently flagrant; and there was also sufficient ground for the appointment of a Committee to investigate the whole transaction. There were other allegations in the petition, which showed that the affair had but too much the character of a bubble company; for it was stated that there were other persons of gambling habits, and no property, who appeared on the list as subscribers to the extent of 300,000*l.*, in addition to the 224,900*l.* already alluded to. These were fictitious names, or the names of persons who had not paid, and who were not able to pay, any deposit, and who had no interest whatever in the undertaking. He had mentioned yesterday that those petitions involved the names of some hon. Members of that House, in the transactions to which they referred; not that any direct charge was brought forward, but only that there appeared on the list of the provisional committee the names of certain Members of that House. The names mentioned were those of Sir Andrew Leith Hay, and Mr. Hesketh Fleetwood. There was no charge against those Gentlemen beyond that of culpable negligence in allowing their names to be connected with a body, the character of which they had not sufficiently ascertained. He entreated the House to consider the consequences of hon. Members of that House allowing their names to appear on the list of directors of Companies, the respectability of which they had not sufficiently investigated. These were the gaudy flies which hid the barb by which the public were hooked and caught. He, therefore, entreated the House to grant him a Committee to investigate the whole matter, that hon. Members and the public might know the consequences which followed from allowing their names to be connected with such speculations. There were, he regretted to say, Gentlemen in that House, who did allow their names to be connected, with too much ease and unwariness, with companies like the present. Such companies as the one in question created distress with the subscribers, and when the period for the payment arrived, then the distress was felt, and the Bank was called upon to give relief, and they then made advances, which enlarged the currency; so that it was vain to say that, beyond the evil to individuals, those speculations were not pregnant with national evil. There were various other things in the petitions of a grave and serious nature, but he believed that what he had already stated, would be sufficient to induce the House to institute an investigation into the whole transaction. When, therefore, he had presented the petitions, he should move that a Committee be appointed. His own opinion was, that it would be much bette to have it referred to a Select Committee, restricted in number, and certainly not exceeding at the utmost, fifteen Gentlemen, who had weight with the House, instead of referring it to a larger Committee, where the numbers would be fluctuating. He did not intend to name the Committee to-day; and, indeed, under the circumstances of the case, he thought that the Government ought to take its nomination into their own hands; and he should therefere, now only move that a Select Committee be appointed, to whom these petitions should be referred.

The petitions having been read,

Sir *Andrew L. Hay* observed, that during the last Session of Parliament, although his name might have appeared in connexion with some railway companies, he had not thought it his duty, nor found it his inclination, to vote either in favour of those Railway Bills with which he was connected, or against those to which he was opposed, nor should he have thought it necessary to address the House on the present occasion, had not his name been prominently brought forward as one of the directors of that company whose conduct was thought censurable by the hon. Member for Bridport. His name was last year on the list of directors of a company for forming a Gravesend Railway, but the Bill for that object was refused by the House, and then, without his knowledge, his name was transferred to the list of directors of this railway company, and he had certainly since that time not directed his name to be withdrawn from that list. At the same time, he must say, that he had not attended the meetings of the directors, he had not signed the deed of settlement, and he had never participated in any proceedings of the company. Having been connected in common with many other gentlemen of high respectability, with this company, he did not now come forward to shrink from the consequences of an act which he must admit was one involving a charge of considerable negligence on his part. The moment, however, he had ascertained that there was any doubt as to the respectability of the proceedings of the company, he determined to withdraw his name from the direction, and although he did not believe that there was any single individual in the direction on whom the imputations thrown by the petitions could rest, he did not think it consistent with the duty he owed to others or to himself, to remain a single moment longer in connexion with the company after it had been affected by the slightest taint of fraud.

Mr. *Hesketh Fleetwood* should not have intruded himself upon the attention of the House, unless his name had been used in connexion with the circumstances stated in the petitions, and for his part he had no wish whatever to shrink from any proper responsibility which could attach itself to him for allowing his name to be placed upon the list of provisional directors. His name had been put down as a director of a railway between London and Ramsgate, and he had said, that if they attempted to carry the railway on to Dover, he would cease to be a member of the company, and he had stated that circumstance as a reason for his withdrawal to the secretary before those petitions were brought forward. But in saying this, he had no wish to free himself from any imputations which could fall on members for the commission of an act of negligence, namely, that when they saw a scheme that they considered likely to lead to national benefit and advantage, they lent it their countenance by permitting their names to be used as provisional directors. He had never attended any meeting of the board of directors, but he would state one point, in justice to the individuals connected with the railway, which he thought of consequence. He thought that this should be a fair Committee, and with that view he should have a very great pleasure in assenting to its formation, with this one point in reserve —that if any party had brought forward these petitions, in order to impede the progress of this Bill, then, supposing the parties implicated should be cleared from the charges brought against them, the House would kindly indulge them with further time, and not permit the Bill to be lost.

Sir *Edward Knatchbull* expressed his satisfaction that the hon. Member for Bridport had acceded to the suggestion which he had thrown out the day before, that Members whose characters were affected by the allegations in these petitions, might have it in their power to make any explanations which they thought it fit and right to offer. He assented entirely to the course of proceeding which the hon. Member for Bridport proposed to follow. There was one observation, however, which he wished to make; namely, that Gentlemen should be a little cautious how they lent their names to any projects of this description. He knew that there were many out of doors who were interested in this inquiry, and who were naturally interested that the investigation should be pursued; and he trusted the selection of the Committee would be such as would secure the confidence of the country. He would only say now that he earnestly hoped that this investigation would be productive of public good.

Mr. *Matthias Attwood* said, that in addition to those Gentlemen whose names appeared in the list of directors, there were many other individuals whose names were well known to the House, and who were quite as respectable and as incapable of acting improperly as any of the hon. Members who had addressed the House. He was satisfied that they would not shrink from the inquiry which the hon. Member for Bridport asked for, and on their part he courted the fullest investigation into these transactions.

Mr. *Gisborne* thought that the House should be careful in interfering with these matters before the right time, and that they ought to bring the case before the proper tribunals. He understood that a petition for leave to bring in a bill had been presented to a section of the Committee of 42, which had been appointed this session, and he considered that into all the allegations made by the hon. Member for Bridport, except one point, this section of the Committee would have a right to inquire. He doubted, therefore, whether it would be right to appoint a Committee to conduct an investigation which fell peculiarly within the scope of the duty which this section of the Committee of 42 had to perform. He had not the least desire to screen any of the parties, but at the same time he thought there was some danger of the House stepping beyond its functions, and the present was not the most convenient time for such a Committee to be appointed.

The *Chancellor of the Exchequer* differed from his hon. Friend who had last spoken, because he thought that if they gave leave to bring bills before the House, and made themselves responsible for the character of the undertakings, they must, in defence of their own standing orders, appoint a select Committee, to inquire into the facts alleged in these petitions. If they remitted parties who had trusted to the vigilance of that House, to a court of law, and exposed them to delay and expense, they would be abdicating one of their most important functions and neglecting one of their most imperative duties. He would take this opportunity of stating further, that parties applying for bills to Parliament ought to be aware that the funds at the disposal of the Exchequer Loan Commissioners were almost entirely exhausted, and Parliament would do well to reflect before they renewed that fund, whether they would give encouragement to any fresh speculations. He should be sorry if it were thought that in making this declaration he wished to throw any distrust or discredit on these great national undertakings when in the hands of responsible persons, and when properly directed.

Lord *Stanley* quite agreed with his right hon. Friend in thinking that in a case which so materially affected the whole of their proceedings, it was impossible for the House to refer it to any other tribunal than one of their own. If the facts stated in the petition were true, this was one of the grossest frauds which had ever been attempted to be imposed upon the House. The statement which had been made to night must have the effect of warning hon. Members how they lent their names, their high and honourable names, to projects of which they knew nothing. He had invariably, upon all occasions, refused to lend his name as a director of a company of any sort or kind, and he was quite sure that if gentlemen would only give themselves the trouble of considering the expediency of not allowing their names to appear before the public as nominal directors, from which they could not afterwards shake off the responsibility, though they could, in truth, exercise no direction, they would see the absolute necessity of not yielding to any such solicitations. With regard to the tribunal before which these petitions should be sent, he was rather inclined to the opinion, that it should be referred to the standing orders Committee. A Sub-Committee of the 42 Members must go into the merits of this transaction; they must report on the whole facts, and therefore he thought it the most proper tribunal to which the case could be referred. At the same time, if the House entertained a different opinion, and thought that it should be referred to a select Committee, he would not object to that course.

Mr. *Poulett Thomson* was of opinion that the House was bound to institute a grave inquiry into the circumstances of this case. He should have been inclined entirely to agree with his hon. Friend in his motion for a select Committee, provided this case had occurred last year, because up to last year there was no other tribunal to which it could with propriety have been referred. At present it would be preferable to refer the case to the standing orders Committee than a select Committee. He did not wish in this, the first instance of the kind which had been brought before the House, to relieve the standing orders Committee of what he conceived to be their special duty.

Mr. *Robert Palmer* begged leave to suggest that considerable inconvenience would result from the course which the right hon. Gentleman proposed to follow. The present was a question of facts, and if the Sub-Committee were to enter into them, one of the Sub-Committees of the 42 would be shut up from going into the investigations which were now before them. At present there were not less than ten or twelve bills before each of these Sub-Committees every day, and it was likely that as the session advanced they would have more claims upon their time. He put it therefore whether, as a matter of convenience, it would not be better to agree to the motion of the hon. Member for Bridport.

Mr. *Warburton* said, that the hon. Gentleman who had just spoken had anticipated one of the objections which he was about to offer to the plan proposed by the right hon. Gentleman the President of the Board of Trade. If his advice were followed, it must materially interfere with the progress of business in this very busy session for private bills. Again, suppose the company withdrew their bill, as they had the power to do, this would stop all proceedings. What would the standing orders Committee do then? That was the second objection. He had yet a third. It would be recollected that the parties who had subscribed their names to this petition were landowners upon the line; were they to go into this investigation before the standing orders Committee at their own expense? This was not a private but a public question, and he wished a select Committee to be appointed—first, because if these petitions were referred to the standing orders Committee, it would put a stop to the progress of private business; secondly, because it would be in the power of the parties to stop the proceeding by withdrawing their bill; and thirdly, because the expense of the inquiry ought to be borne, not by the parties but by the public.

Petitions to be referred to a select Committee.

MUNICIPAL CORPORATIONS (IRELAND)—COMMITTEE—ADJOURNED DEBATE—THIRD DAY.] The Order of the Day for resuming thedebate on the Municipal Corporations (Ireland) Bill having been read,

Mr. *Brotherton*, being in possession of the House, would avail himself of the opportunity it afforded him of saying a few words merely in reference to the remark on which great stress had been laid by the hon. Gentlemen opposite, that Manchester had not manifested a desire to be constituted a corporate town. He thought he should be fully justified in saying that the fact was, that in all classes of inhabitants, and in every degree, it was the unanimous desire to obtain an improved system of local government, on the basis of corporations. The difficulty had been in making an arrangement which would prove satisfactory to the townships which constituted the town of Manchester. There had, however, been a meeting held, and a committee appointed to consider the subject; that committee had made a report, which he held in his hand, and with the leave of the House, he would read the concluding part of it. It was that—"In conclusion, your committee beg most respectfully, but earnestly, to impress upon their fellow-townsmen the importance of an early arrangement of this important subject, and they think that the present time is a most favourable opportunity for effecting it. The subject should not be viewed as a party question, but as one which should have the good of the community for its sole object, by the constitution of a local government, which will sustain the acquirement, and be worthy of the character of the town. The interests of every part of the borough, which are one and the same to all intents and purposes, ought to be strengthened by consolidation, instead of being weakened as they now are by subdivisions and distinctions inimical to the general good." It was plain, therefore, that Manchester was desirous of having municipal government. He would not enter upon the general question, as he could not expect to interest the House by anything he could advance. He considered the subject was nearly exhausted, and he would only state his opinion, that having paid considerable attention to the debate, he had not heard one shadow of an argument on the other side, or any fact tending to prove, that Corporations would not be highly beneficial to Ireland. He had heard some alarm expressed with regard to the Church, that the Established Church of Ireland would be injured by Municipal Reform; but, for his own part, he thought he could give proof that he had no hostility to the Church, when he said he was thoroughly convinced the Church of Ireland would exist twice as long if Municipal Reform was granted as it would if it was withheld. Believing, then, that these corporations would be beneficial to Ireland, he should give his cordial support to the original motion.

Lord *Clements* said, the hon. and learned Sergeant opposite had particularly alluded to the exercise of the prerogative of mercy by the Lord-Lieutenant of Ireland; and if the hon. and learned Sergeant were able to prove his grave charge, and induce the House and the people of England to consider that the Lord-Lieutenant of Ireland had prostituted the power which was placed in his hands, he would go far to prove that the policy pursued by the Irish Government was the reverse of the most just, the most conciliatory, the most beneficial to the English connexion that had ever been pursued by any Lord-Lieutenant by whom Ireland was ever yet governed. He begged to read a letter which he had received from a gentleman in the county of Cavan—a gentleman as respectable and honourable as any of the hon. Gentlemen whom he saw opposite—a gentleman who was the brother-in-law of the Conservative Member for Cavan, and who had done as much to promote the peace of the county of Cavan, the connexion between England and Ireland, and the happiness of the people, as any man in this House. He was not about to refer, like th hon. and learned Sergeant, to an anonymous authority. The gentleman to whom he alluded was Mr. Saunderson, of Castle Saunderson. His letter bore on the statement of the hon. and learned Sergeant that a person of the name of Patrick Maguire, who had been found guilty of having fired at the revenue officers, and whose sentence, which was transportation, had been commuted by the Lord-Lieutenant to two years' imprisonment, was subsequently discharged by order of his excellency before the term of his imprisonment had expired, the reason assigned being the bad state of the man's health. It was said by the hon. and learned Sergeant that the necessary proof of the sickness of the prisoner—the certificate of the surgeon—had not been given, and it was with reference to this representation that the letter would be found to afford some important information. The letter was as follows:—The writer said, that feeling he was responsible for the representation which had been made respecting the release of Maguire without a surgeon's certificate, he begged to state such of the facts as he was acquainted with. A petition, signed by fourteen or fifteen magistrates, besides many other respectable persons, praying for an extension of the Royal mercy to Maguire, was brought to him, with a request that he would sign it, but he declined to do so, not knowing anything of the circumstances. It having been represented to him, however, that the case was one of great hardship, and that his name would be very serviceable, he promised to inquire into the case; and having satisfied himself on the subject, he determined to sign, but before he could do so, the petition had been forwarded to the Government. Subsequently the Lord-Lieutenant visited the prison, and having gone through it, was about to leave, when the surgeon requested him to commute the sentences of two men confined in the hospital, one of whom was this Maguire. His excellency objected to doing so in Maguire's case, because he had already commuted his sentence from transportation to imprisonment. However, on the representation of the surgeon that the man was languishing in the infirmary under a wound, that he was reduced to a hectic state from which he did not think he would recover if his confinement continued, and further, on the entreaty of the high sheriff, the writer, and others who were present, his release was ordered, to the perfect satisfaction of all parties. The man's offence consisted in this:—He was surprised when smuggling by some revenue officers, when he jumped into a boat and rowed, under the fire of the officers, towards the middle of the lake. When beyond the range of their fire he rested, and, levelling his piece, fired, it was believed purely out of bravado at the officers. He was taken, tried, sentenced to transportation, and sent to the hulks; but his case becoming known, was thought one of great hardship, and an extraordinary number of magistrates and others interfered in his behalf. The second case, which was that of a man who had been tried for killing another, and who was found to be insane, the Lord-Lieutenant would not interfere in. Now he would ask the House whether the testimony of this gentleman, who had done his best to promote the peace of the country, was not of more value than the anonymous authority on which the representation of the hon. and learned Sergeant was founded. The hon. and learned Sergeant had also referred to some transactions in the county of Leitrim. Perhaps the hon. and learned Sergeant would allow him to inquire whether his informant in this case was or was not Mr. Potter? The hon. and learned Sergeant assented; the authority, then, to which he appealed was that of Mr. Potter. Now he would state that he did consider Ireland, and his county (Leitrim) in particular, to be in a state of remarkable quiet. He believed his hon. Friend opposite to be the last person who would have permitted the magistracy to connive at acts of riot; he believed him to be the last person who would have looked over such a thing; yet he must say, that neither in his Administration, nor in any other up to the present time, had there been the same anxiety on the part of the constituted authorities, on the part of the magistrates, or on the part of the police, to prevent or to bring to justice parties guilty of rioting at fairs. He did not mean to say his hon. Friend had not done his best, but he did not go so energetically to work to that end as had the present Government. As far as his own experience had gone, he was surprised that there had not been more outrages committed than there were. In the month of November there were only five prisoners for trial in the gaol of Leitrim. He believed that there were few counties in England which could say as much at that period of the year. Was he not justified, then, in representing the county to have been in a remarkably quiet state? The learned Sergeant had referred to an outrage committed on the Rev. Mr. Hogg, of the parish of Cloon. He had received the facts of that outrage from a friend of his. He begged to declare that he yielded to no man in his desire to promote the peace of the country. To him it was of the highest importance. He lived there. Therefore, to him, he repeated, it was of the utmost consequence that peace should prevail. He did not mean to say, that he had put himself in any situation of danger to effect that object. He did not say, like Lord Charleville, that he would share in the danger of enforcing peace; he did not say he would share any danger; but he was ready to do his duty; and the fact was, that he had never been incommoded. He lived in a house without fire-arms; its windows were open down to the ground; and no stone wall surrounded it. Such was his position, yet he had never been incommoded in the slightest degree. But the hon. and learned Sergeant said, that Mr. Potter, forsooth, connected the outrage on the Rev. Mr. Hogg with the clemency of the Lord-Lieutenant. He would tell the House how that gentleman came to the county first: he would show them what the country must expect if the Tories came into power. Of course they must consult somebody—they must consult the learned Sergeant, and he must consult this Mr. Potter. Well, Mr. Potter was introduced to the county by the late Rector of Cloon as a tithe proctor, and his conduct in that capacity was so harassing, so obnoxious to the people, and so disadvantageous to the rector, that he, or the executors of that gentleman, discharged him. At present the living was held by Mr. French, and he found the conduct of Mr. Potter such that he discontinued him as his tithe proctor. Mr. Potter having been so treated by his friends, turned round and joined the other party, and became an anti-tithe agitator; so he united in his own person the two characters which both sides of the House agreed had most agitated the country. His side of the House attributed to the tithe proctors much of the agitation which had existed in Ireland; the other side contended that the agitation was chargeable against the anti-tithe agitators. Now this gentleman was both. He was originally a tithe proctor, and then he became an anti-tithe agitator. He, after this, tried a third trade, and now he was an attorney. It was in his capacity of attorney that he instituted the prosecution for that very outrage which the learned Sergeant wished to make out. Without entering into the question whether the prosecution was right or wrong, he would say the outrage was one of a horrible description, and one the parties to which he would bring to justice if he could; but he must also declare that it was not a party outrage. On this subject he would ask the House to whose testimony would they attach the greater weight—that of Mr. Saunderson, or that of Mr. Potter? He might throw into the scale his own testimony, which, humble individual as he was, nevertheless was entitled to a little consideration. He did not mean to say, that the constituency he represented had that interest in the Corporation question which some others had. The reason was this: there were no towns in his county which were likely to become corporate towns. But it was now said that the rights of Irishmen were to be refused, because the majority of them were Roman Catholics; why, if the question were brought forward in that shape, they might refuse to Irishmen the enjoyment of any rights whatever. If they refused what must be admitted to be just rights to Irishmen because a majority of them were Roman Catholics; why, then, they might be denied trial by jury; they might be denied, in fact, any rights that ought to appertain to them as British subjects. He wanted to know what argument, that would withhold Corporations from Ireland, that would refuse to Irishmen the right of their Municipal elections, would not apply generally to the extension of any other liberty to Irishmen, whether as Protestants or as Roman Catholics? He was glad to hear hon. Gentlemen opposite refer so much to the jury question, because it showed this, that if the Tories were consistent and got into power they ought to have Tory judges, that they might appoint Tory sheriffs, in order that the latter might nominate Tory under-sheriffs, and so they would have packed juries. He did not impute that to the right hon. Gentleman opposite (Sir R. Peel), whose worth he respected. He believed that right hon. Baronet had saved the country once, and he hoped God would bless him for it. He believed that the right hon. Baronet would not knowingly do any such thing; but the fact was, that the feelings of prejudice were so strong amongst the Orange party in Ireland, that they did not believe they could get a fair trial unless there was a packed jury. He would instance a case to prove this. In the parish in which he lived the officers of the revenue police and the country people had a conflict. It occurred in the dark; the country people rushed on the police, by whom one of the people was slaughtered, and died in consequence of the wound he had received. One of the revenue officers came to him in a state of great excitement, and told him of the occurrence. It was necessary to have a coroner's inquest: but the coroner (as was usual in Ireland) was in gaol. The revenue officer said, that the magistrates must hold an inquest, and stated that he had sent for a magistrate with whom he was acquainted, to request his attendance; and also that the jury might be taken, not from the neighbourhood in which the occurrence took place: he desired that a jury might be summoned from a town which was at four miles distance. His answer was, that he did not approve of the revenue officer having sent for a magistrate with whom he was acquainted, nor did he even approve of himself presiding on the occasion; that they should not only show the people that justice would be done, but also guarantee justice being administered. He, therefore sent for the stipendiary magistrate. He stated, also, that he would not consent to a jury being brought a distance of four miles, when the law said the jury should be taken from the neighbourhood. It was predicted of course that the jury of the neighbourhood would never find any other verdict than that of manslaughter. The jury heard the evidence—they were sworn—they attended to their oaths—and they found a verdict of justifiable homicide. Now, the hon. and learned Sergeant opposite was for continuing the old jury system. He did not mean to say that a jury even under that system would not act according to their conscientious opinions—that twelve men on their oaths would not find an honest verdict—he did not mean to say that such persons put into a box would not give a good verdict; but what he contended for was this, that just as good a verdict would be given if the men in the box were not party men. Now since that unfortunate homicide to which he had referred there had never been another case of outrage, and this because the people were convinced that they would have fair play, and that the jury who decided the case never would have found a verdict of justifiable homicide if the act committed were not justifiable. It was all very well for hon. Gentlemen to say, that juries were always fair in Ireland, because a case had never come against themselves; but this he knew Protestants to say when the shoes pinched themselves, that they could not bear corporation juries. He had not himself any personal interest in this matter, he never attended their public meetings in all his life, but still he could not remain silent when his country was denied that which it was her plain and manifest right to have. He denied, that because the majority of the people of Ireland were Catholics, that they, therefore, were hostile to the connexion with this island. It had, indeed, been said, that corporation reform would affect the Church question; this was said because it was declared to have been asserted by the hon. and learned Member for Kilkenny that it would affect the Irish Church. Now it was not enough for hon. Gentlemen opposite to say this, or to rest upon the assertion that another said it; they ought to prove, that a connexion between corporate reform and the Established Church existed. The General Association did not maintain that it would destroy the Church. What it said was, that corporation reform would lead to a satisfactory adjustment of the tithe question, and, in his opinion, there was the greatest difference between a satisfactory adjustment of the tithe question and the Established Church. What effect, he asked, could bodies in towns have with respect to the tithes, which was merely an agricultural question? The opposite party could not show it, except by quotations from speeches made by the hon. and learned Member for Kilkenny. In his opinion corporation reform could have no effect whatever on the Established Church. The right hon. Member for the University of Dublin had taunted him with constantly saying he was a Protestant. He hoped he was a sincere Protestant—that he adhered with firmness to the religion that he professed. He was ready to maintain the religion of the Established Church, and he was one who, if his religion were attacked, would, to use the language of the noble Lord, the Member for North Lancashire resist that attack "to the death." He did not say, that corporate reform could alone pacify Ireland; but he believed that, with Poor-laws, it would go a great way towards the tranquilisation of that country. Hon. Gentlemen opposite wished that things in Ireland should remain *in statu quo.* That was impossible: they could not remain so without coercion bill after coercion bill, and the people of England, he believed, would not run the risk of a civil war for the purpose of sustaining things as they were in Ireland. He might pass over to the other side if it were practicable to keep things as they were in Ireland; but believing that to be impracticable, he gave his support to his Majesty's Government in the course they were pursuing.

Mr. *Robinson* observed, that he had last year given a silent vote upon this question, and he would have done so this year but for the increased importance which the question had acquired. He would state that there was no question in which the people of England took so deep an interest as this question, and this because it appealed to their sober judgment. He was at a loss to conceive how hon. Gentlemen on the opposition side of the House, who were supporting the Protestant Establishment in that country, could, consistently with their own arguments, impose on Ireland an establishment alien to the feelings of the great body of the people, on account of the Union, and yet pretend, looking to the same Union, to draw a distinction between them and the English people, and deprive them of corporate reform. He had been generally a supporter of the present Ministry, because he saw them, on the one hand, acting as a check upon democracy, which was so unsuited to a mixed Government, and, on the other, opposed to a party to which he should be opposed, who wished to govern the majority for the benefit of the few. It was his opinion that the maintenance of the present Government in Ireland was for the benefit of that country. He had heard rumours in many quarters of the near approach of the dissolution of the Melbourne Administration. He would ask those near whom he sat [on the opposition side of the House]—he would ask the Gentlemen on that side of the House, whether it had ever occurred to them to reflect on what must be the condition on which any Administration could succeed to the present with the hostile feeling which must be entertained on their part by the whole Catholic population of Ireland? He would ask, could an appeal be safely made to the people of England and Scotland upon this question? If he could pretend to know anything of the feelings and opinions of his countrymen, he would state with perfect sincerity to those Gentlemen near him, that it was impossible for them to appeal to the people of England and Scotland upon any question that would be more fatal to them and their party than this very question. This was his decided opinion. It was supposed that such an appeal would be attended with more or less success, because it was mixed up with the question of the existence of the Church Establishment. As a member of that Church, he must confess he was extremely sorry to find the claims of the Protestant Church so much mixed up with this question. He was very sorry to hear it avowed by the noble Lord, the Member for North Lancashire (Lord Stanley), when he supported the amendment of the noble Lord, the Member for South Lancashire, that he did so because he considered that the granting Municipal Corporations to Ireland would necessarily lead, and was, as he believed, intended to subvert the Protestant Church. In his opinion, the existence of the Protestant faith, whatever became of the Establishment, did not depend upon this or any other question—he would rather say that it rested upon its intrinsic merits, and in the affection and respect of those who honestly and conscientiously belonged to its communion. But it was said that the granting of Municipal Reform to Ireland would have a tendency to increase the influence—an influence which no subject should possess—enjoyed by the hon. and learned Member for Kilkenny over the people of Ireland. They were warned not to pass this measure, because that hon. and learned Member, in his indiscretion, had avowed elsewhere, that if Municipal Corporation Reform were granted to Ireland, he would make it the means of carrying all the other points which were desired by him and those who acted with him. He would tell the hon. and learned Member for Kilkenny, that he was very much mistaken in the people of this country and of Scotland, if he conceived that the sympathy felt by both countries towards the Irish people, which induced them to co-operate with the hon. and learned Member and others, in their endeavours to obtain justice for Ireland, would in like manner be available, if the hon. and learned Member should, in an evil hour, turn round and advise his countrymen—having obtained this measure, as he hoped they would—to attempt to establish a Catholic dominancy on the ruins of the Church Establishment. Was it possible that the Dissenters, who, to a man almost, supported the present Government, was it possible that they would be induced to co-operate for such an unholy purpose? The power of the hon. and learned Member for Kilkenny was created by a long system of misrule, and his hope and belief was, that by taking away the cause, they would deprive the Irish people of the motive for rallying round and supporting the hon. and learned Member; and so far from adding to his strength for mischievous purposes, they would absolutely put an end to it in this country, and greatly weaken it in Ireland. He must repeat, that he was sorry to find this question mixed up with the question of the Established Church. He was sorry to see that Church put forward as the only barrier between the people of Ireland and their political freedom. He spoke the sentiments of his constituents when he said, that if the result should be the rejection of the present measure by the other House of Parliament—there was no doubt that it would be carried by a large majority in this House—but if the other House should reject this measure a second time, and there should be, in consequence, an appeal to the country, he was perfectly satisfied that the people of England were determined to support that Government, and that Government only, which was disposed to grant the same rights and privileges to Ireland which were enjoyed by the people of this country. This question would be an insuperable obstacle to keep the hon. Members on that side of the House out of power. The time had arrived when it was absolutely necessary that they should change the whole course of their policy towards Ireland, and when they must endeavour to conciliate the affections of the Catholics of Ireland by a real union and identity of interests between the two countries. They had tried the contrary system long enough. They were told, that it would be dangerous to go on making concession after concession. In his opinion the danger was purely chimerical. They had seen the baneful consequences of a long system of misrule and misgovernment in Ireland. Let them try conciliatory measures—let them establish civil, political, and religious equality in Ireland, and he was very much mistaken if they would not have reason to bless the hour when the two branches of the Legislature came to so just a determination, instead of pursuing this miserable warfare between Protestant and Catholic. The present debate, the acrimonious invectives on both sides, showed the diseased and disordered state of Ireland. Let that House adopt a different system, and they might expect that Ireland in future, instead of being a source of weakness, would become a pillar of strength to this country. For this reason he would oppose most decidedly the amendment of the noble Lord, the Member for South Lancashire, and support the measure of his Majesty's Government.

Mr. *Richards* denied, that the hon. Member for Worcester was at all justified in attributing to hon. Gentlemen at that side of the House such a motive as that of wishing to govern the many for the advantage of the few. He denied that they were actuated by any such feelings, and therefore he thought the observation of the hon. Member for Worcester open to great animadversion. For himself, he could say, that he participated in no such feeling; and he was convinced he might make a similar declaration on behalf of every hon. Gentleman on his side of the House. The noble Lord, the Member for Leitrim, had replied to the facts stated by the hon. and learned Member for Youghal, but had he disproved any of those facts? If the desire were to ascertain whether these facts were true or false, why not grant the Committee which the hon. and learned Member for Youghal had demanded? The refusal to grant that Committee would enable the country to judge of the matter for themselves, because they must feel, as he did, that if the case made out by the hon. and learned Member for Youghal could be met, an inquiry would at once have been volunteered. He was anxious, however, to discuss this question on its broad principles. The noble Lord, the Member for Leitrim, stated, that the people of Ireland were entitled to equal rights with the people of this country, and of Scotland. No one doubted that; but then the question was, were not the circumstances of Ireland such as to render it unsafe to grant municipal institutions to that country? It was notorious, that there was in this country, a struggle between two great principles—the influence arising from property, and the democratic influence—and he would ask, whether the latter influence had not been considerably augmented by the change which had taken place in the English corporations? It was by means of the democratic power that many of the hon. Gentlemen opposite occupied seats in that House, and on that same power it was, that his Majesty's Ministers relied for their continuance in office. It had been said, that there was no connection between this question, and that relating to the Established Church. He entertained a very different opinion; and, believing that this measure, if carried, would tend to the subversion of the Church, he felt it his bounden and sacred duty to oppose it. When the Reform Bill was under discussion, much was said about allowing certain individuals to nominate to seats in that House: but what were they now going to do? Why, to enable the hon. and learned Member for Kilkenny, not to nominate six or seven Members for Ireland, but perhaps eighty or even ninety. The hon. and learned Member had stated, that this measure would place power to that extent in his hands, and was he not more likely than the noble Lord to understand what would most contribute to the advancement of his own views? The hon. and learned Member for Kilkenny might be sincere in wishing the welfare of his country; but as he (Mr. Richards) did not think that object could be attained by the course which the hon. and learned Member pursued, he must give it, as his opinion, that this Bill would place a most dangerous power in the hon. and learned Member's hands. The hon. Member for Worcester had said, that the people of Worcester were in favour of granting Municipal Corporations to Ireland. Now he was well acquainted with that county, and, knowing, as he did, the feeling that prevailed there, he must deny the assertion. He might make the same observations, generally, with respect to the people of England and of Scotland. The noble Lord, the Member for Leitrim, thought, that this Bill would tend to the pacification of Ireland. No doubt it might satisfy certain parties in that country; but, from his acquaintance with the state of Ireland, he could undertake to say that, whatever might be its tendency, it would not be of a pacific character. He had never yet found, that the lust for all was satisfied by the concession of a part. On the contrary, ambition was a passion that grew with what it fed upon; and, in the present case, he was convinced, that if these corporations were put into the hands of the majority, they would be used as a lever for the attainment of universal dominion in Ireland. He well recollected, that when the noble Lord, the Secretary for the Home Department, introduced the English Municipal Bill, he declared his conviction that the power gained would not be applied for party purposes; yet since that Bill had been passed, the power had been exercised for scarcely any other objects; and he was convinced that it was intended to be so wielded at the coming election; for the Ministers had no hopes in the counties, and they must, therefore, rely on the towns. The hon. and learned Member for Liskeard had, on a former night, spoken in periods that were, no doubt, most elaborately worded, of the extraordinary virtues of municipal institutions—of the occupation they would give the inhabitants in paving and lighting their streets. That hon. Member also gave one of the oddest illustrations he had ever heard—he said, that the state of Ireland was untranquil, and that these corporations would give the people of that country something to think about, and draw them off from their present quarrels. Why that should be, he could not understand. If the power was now abused by the minority, how much more likely it was to be abused by the majority. Why, in proportion to the greatness and irresponsibility of power would be the abuse of it. On the Opposition side it was proposed, that provision should be made for the due performance of all the municipal duties, and that there should be a proper responsibility. It was singular the similarity that there was between the speeches of the hon. and learned Member for Liskeard, and those of Danton, Marat, and Robespierre, at the time of the French Revolution. They, too, talked of the advantages of municipal institutions, and of the harmlessness of their intentions in demanding them. Yet what was the result? The hon. and learned Member for Bath had talked of the local advantages of corporations. Probably this meant liberty of speech and action, and security for property. But where, in any country, would so much liberty, so much security, be found as in England? Why change this state of things, then? What could they hope to substitute for it? What had they ready to substitute, when they had pulled down all the present institutions of the country? Neither Danton, nor Marat, nor Robespierre knew what to substitute when they did the same thing. In the excess of their kindness for the people, hon. Gentlemen opposite wished to take away the great advantages they now had, and to give them, in their room, more sounding ones, certainly, but more dubious. He protested against their efforts to destroy the institutions of the country, under the specious pretext of reforming them.

Mr. *Walker* said, a very few words would be quite sufficent to answer the observations, for he could not call them arguments, of the Member for Knaresborough—indeed, he had heard nothing deserving the name of argument during the debate from the other side of the House. The hon. Member boasted that he lived in happy England, enjoying her free institutions in peace and prosperity, and by which means he had succeeded in trade, and had grown wealthy, and that, therefore, he would not agree to this Bill; so, because he saw they were useful to England, he would refuse to give like blessings to Ireland. The same Member, with equal wisdom, observed that the Orange minority monopolised and abused the corporate power, and persecuted the majority of the people; *ergo*, says he, a majority would monopolise, and persecute still more in exact proportion to its numbers, and for that reason he would refuse to accede Corporate Reform to Ireland. Truly, to mention these absurdities, was a sufficient answer to them. The hon. Member seemed to be ignorant that the minority were a small political faction, whilst the majority to which these rights were to be restored was a nation comprising within its millions that faction itself. The debate had run to such length that he should now confine himself to a very few observations, and a few facts which he thought would show that the apprehensions of Members opposite were groundless. The Tories assert that this is a question between the Protestants of Ireland, on the one side, and the Catholics on the other; he, however, positively denied that position. It was truly a contest between a section only of the Protestants, who strive to retain an exclusive possession of corporate property and power for individual advantage, and the Irish people at large, being Catholics, Protestants, and Presbyterians, who are seeking the removal of civil disabilities, and an equality of civil rights with the people of England and Scotland. The Irish Conservative Members assert that they alone represent the Protestant property and feeling of Ireland; that he also denied, for the liberal Irish Members were in number and property nothing inferior to their opponents. Ireland sent thirty liberal Protestant Members to that House, and their opinion was, that the passing of this measure could not endanger the Protestant church, whilst the refusal of it, and particularly on the grounds put forward by the other side, must be injurious to that church, by rendering it more odious to the people. He wished to address this to English Tory Members opposite, and, if possible, that it should go forth to the English people that thirty Irish Protestant Members believed that the conduct of the Conservatives of Ireland was calculated to upset the Irish Church, and that those who set up that Church as an obstacle upon all occasions to good government and equal laws were the real and worst enemies to the Protestant Church. But the Gentlemen opposite taunt all liberal Protestants with being only nominal Protestants, and therefore not interested in the existence of the church. Now, he would ask, if this were true, what motive could a liberal Protestant have to profess that religion at all? The Orange Protestant had clearly a worldly advantage in doing so, for he had hitherto a monopoly in all the good things going in Church and State. On the contrary, the liberal Protestant had no expectation that his opinions can bring him any such harvest. It is quite manifest that when the Tories were in power, he had no chance of any of the crumbs; and the Gentlemen opposite, as also the resolutions passed at the Mansion-house, allege that none except a Catholic had any chance of promotion under the present Government, so that it would really appear that the liberal Protestant Members were the only party that had any right to complain. Then what other motive except a religious one, namely, a conscientious belief that his own religion was the best, could a liberal Protestant have for professing Protestantism? and he thought that the liberal Protestant, who wished to do to his Roman Catholic neighbour what he would wish his Catholic neighbour should do to him, was at least as Christian a Protestant as the Orange one, who was constantly doing to the Catholics what he would be exceedingly sorry the Catholic should retort upon him. He should not have dwelt so much on this, only at the present time such exertions had been made by the Tories, in and out of the House, to renew that hypocritical no Popery cry, not that they really believed that the measures of the present ministers endangered the church, but that they knew that unless they could deceive and rouse the prejudices of the people of England, they could never turn the present Ministry out or regain their own lost places or power. Another objection stated against this Bill was, that agitation was still going on; that it was promised, on the part of the Irish Catholics, that so soon as emancipation was carried, agitation should cease, and that that promise had been broken. To this he would answer, that so soon as Catholic emancipation was really granted, Catholic agitation would cease; that so soon as Ireland obtained equal rights and equal justice, national associations and national agitation would cease. But he would ask, had Catholic emancipation really yet been granted, when noble Lords, and right hon. Baronets opposite, declare, that their only reason for refusing a full participation of the British constitution to Ireland is because the majority of the people are Catholics? The act passed to emancipate the Catholics stated it to be for the removal of all civil disabilities, but were the civil disabilities of the Catholics removed, when you not only refuse to admit them to the same municipal rights enjoyed in England and Scotland, but the House was actually endeavouring, by its amendments to this Bill, to destroy the civil rights of the entire people of Ireland? The people of Ireland would never desist from agitation until they obtain their full share of the constitution, and they would be undeserving of liberty if they did. He would at once admit, that the passing of this Bill, therefore, would not put a complete end to agitation, but he would say, that it would be taken as an instalment which would go far to allay it; refuse it and the agitation would be ten times worse. Another objection was, that the Catholics, being the majority, would exclude the Protestants from all office and emolument; this was an assumption which Parliamentary experience disproved, for Catholic constituencies had hitherto made no religious distinctions between candidates, but had returned many Protestants to this House, and had frequently shown a marked preference to Protestants. But it was also said on the opposite side, that though this was true as regarded Parliamentary returns, it would not be the case in municipal elections, there would be so many little local party prejudices; now at the best this objection was but a prophecy, and in order to upset it, he should state what he considered would be the practical working of the Bill throughout Ireland, by stating how the open-corporation system worked in the town which he had the honour to represent. He should first state, that the town of Wexford was, next to Belfast, one of the most rising commercial towns in Ireland, and the House might judge of its importance when he told them that between 200 and 300 sail of vessels belonged to the merchants of Wexford, and that 1,000 of her townsmen were on the sea; the great majority of the inhabitants are Roman Catholics, at least in proportion of five to one Protestant; the corporation consists of a mayor, who exercises extensive judicial functions—of two bailiffs, whose duties are somewhat similar to sheriffs—of twenty-four burgesses, or as they might be termed aldermen—and of the freemen at large, who are the electoral body. Now, in ancient times, this corporation was open to all the inhabitants, without any religious distinction, and Catholics had actually held high office in it. Next came the days of persecution and exclusion, and it grew into one of the close Tory corporations, Catholics and liberal Protestants being most religiously excluded, and scarcely one of the inhabitants of the town was permitted to enjoy the advantages of its freedom, or a share of its property, which at one time was immense, but which had gradually and long since disappeared, for the individual benefit of the favoured few. In this state it continued until about nine years since, when it was suddenly thrown open to all the inhabitants, without any property, qualification, or religious distinction, in consequence of a contest between the then two Parliamentary patrons of the borough. During those nine years, there had been, he believed, about six vacancies amongst the burgesses, and when the first vacancy occurred, did the Catholics elect a Catholic to fill it? No such thing; though only just having obtained a restoration of their rights—though naturally smarting under their former unjust exclusion—they had too much magnanimity to practise revenge, and they filled up the vacancy with a Protestant, to whom they felt an obligation. Upon a second vacancy, he was asked by some of the freemen if he would start for it. He declined, and recommended them to elect a Catholic, as they had been so long excluded. He believed four Catholics and two Protestants had been elected; but even if every vacancy had been filled up with Catholics, he should have thought it quite fair, where the body consisted of twenty-four burgesses elected for life. In the same period, nine mayors had been elected, the first mayor a Protestant; and, in short, the Catholic freemen have elected only three Catholics to that office, though there are many opulent and respectable Catholics in that town, members of the corporation. No doubt the Gentlemen opposite would exclaim, Oh! these Mayors might call themselves Protestants, but they were Radicals. He would say, wrong again. The majority of these nine mayors were, in religion and politics, as true Conservatives as themselves. He would astonish them still more, by telling them that the gentleman last selected to fill that office was a Conservative, whose name he saw among the list of those published, as having attended the meeting at the Mansion House, and that this election by the Catholic freemen of Wexford, was made when they might naturally be supposed to be smarting under irritation at the audacious insult that had been offered to Catholic Ireland in another place; but they proved themselves superior to any paltry feeling of revenge, and, generously placing political difference aside, elected a Conservative gentleman; being guided in the choice of a municipal officer by a conviction of his municipal fitness alone. An election for the office of town-clerk also occurred. A Catholic gentleman, and a Conservative Protestant gentleman were the candidates—the Conservative was elected. Now, perhaps, Members opposite might think that this was owing to complete apathy on the part of the Catholics at Wexford, as regarded politics. He could assure them it was no such thing; that when it became necessary for the assertion of their political rights in their country's cause, the men of Wexford were foremost in the fight. But when they had to exercise their political franchise, they laid aside all sectarian considerations it is true, but accurately examined the political opinions of the candidates, and he felt proud to say, their choice had fallen upon himself, because they believed him to be a staunch and uncompromising opponent of Toryism, and therefore a fit representative of their political opinions; while on the other hand, when called on to exercise their municipal franchise, they laid aside all political as well as sectarian considerations, and looked alone to the respectability and municipal fitness of the candidate. The consequence, then, of the admission of all the inhabitants of Wexford, without religious or political distinction, to their municipal privileges, had been, that instead of bitter feelings existing between the excluded and the excluders, they all now lived in the most perfect harmony, exchanging friendship and hospitality, and the ministers of the two religions going about hand in hand seeking to relieve the objects of their common charity. And thus he would assure English Members, it would be throughout Ireland, but for the madness of an interested party refusing to break down those pernicious distinctions which alone keep Irishmen now asunder, and which, so long as they are suffered to exist, were the only real dangers that Church they seem so anxious to defend, had to dread. He should conclude by again saying these few facts were better than all their prophecies.

Sir *Frederick Trench* had to congratulate the hon. Member who had just sat down on being the representative of such a town as he had described. It certainly seemed to constitute a brilliant exception to the general state of Ireland. The noble Lord, the Member for Leitrim, had challenged any person to show that a connexion existed between the claims of the Irish people to municipal rights and the Protestant Church in Ireland. He for one was not ashamed to acknowledge himself bigot enough to apprehend that danger threatened the Protestant Church from the measure then before the House, and that it was thereby intended to deliver that Church into the hands of the hon. Member for Kilkenny. The hon. Member for Liskeard had, in the course of the debate, delivered a very eloquent speech, in which he insisted strongly on certain general principles, but these principles though just in themselves, were not applicable in the present instance. The case of Ireland was a peculiar one, and demanded a peculiar treatment. But if he disagreed with the hon. Member for Liskeard, he had heard with the utmost pleasure the hon. Member for Shaftesbury deprecate the system of instalments, and the plan of proceeding on the principle of the wedge—obtaining a little entrance at first, and then by degrees penetrating farther in, until nothing less would be attempted at last than the destruction of the Protestant Church. The noble Lord at the head of the Home Department had, in introducing the measure then under discussion, spoken in very slighting terms of the state of the Protestant clergy in Ireland, and in place of pitying the condition to which they were reduced, the noble Lord had spoken of them with what he considered an unbecoming levity; and, instead of suggesting some means of alleviating their condition, he quoted a trifling poem, to the effect that they were enamoured of their present lot. His Majesty's Attorney-General, when out of office, when speaking of Ireland had used language which had tended to promote the assassination of the Protestant clergy in Ireland, and yet, after having used such language he had been promoted to his present high office. That the House might not suppose he was making so grave a charge lightly, or without due reason, he would read the passage from the debate on the Irish Church, which took place on the 2nd of April, 1835. The Attorney-General then said—" What benefit was it to a Christian community to erect churches which were not frequented, which were considered a grievance even by those for whom they were intended, while they were regarded as an insult by those of a different faith ?" And again—" Such was the state of feeling in Scotland, that at the time of the assassination of Archbishop Sharpe, that assassination was actually approved of by a majority of the people of Scotland." This was a pretty broad hint, he thought, to the people of Ireland. But this was not all. The hon. Gentleman proceeded still further, and alluded openly to Ireland :—" There was nothing in recent times to compare with that assassination, and yet it was a common observation by the people of Scotland that the killing of the Archbishop was 'no murder' he being of a religion opposed to the majority of the people." Surely after such language as that which he had just quoted, the present Government must have had some strong motives for promoting the hon. Gentleman to the office which he now held. This Attorney-General added—" Scenes had occurred more serious than what had taken place at Carrickshock and at Rathcormac. Need he mention the scenes at Drumclog and Bothwell Brigg, where much blood was shed ?" But what did the Attorney-General say with regard to the Church ?—" The number of archbishops and bishops ought to be diminished."* Such was the language of the Attorney-General, and it did not require any legal knowledge, or any ingenious special pleading, to draw the inference that the reading of such passages ought to produce the very worst effects on the people of Ireland. When the Government raised the person who had delivered such inflammatory language to his present high station it appeared to him that they gave a most convincing proof that they had no intention of taking any pains to conciliate the Protestant party in Ireland. He conceived the Government to be nothing more than the instruments of the hon. Member for Kilkenny—and, as such, completely under the influence of that hon. Gentleman's wishes. They were obliged either to yield to that hon. Member's desires or at once resign their places. In conclusion, he would say, that he was not ashamed to declare himself opposed to the measure before the House, which would, if it passed, first destroy the Protestant Church in Ireland, and afterwards, though at no great distance, would materially affect the Protestant Church in England.

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* Hansard (Third Series,) vol. xxvii. p. 657—658.

Mr. *Morgan John O'Connell* began by alluding to the quotations which had been made by the hon. Gentleman who had just at down, from a speech delivered by the hon. and learned Attorney-General two years ago. It was a pity the passages alluded to had not been discovered in time to use them on the hustings against the hon. and learned Gentleman. To come, however, to the question before the House. The arguments which had been urged by the opponents of the measure were divided into two classes—old and new. On the old, as they were the same which had been urged and answered last Session, he would touch very lightly. One of the principal of the new arguments was, that the Protestant Church Establishment in Ireland was in danger; another, that an Association had arisen in Ireland, pregnant with danger to the tranquillity of the country; a third, that his Majesty's Government had not made their official appointments in Ireland in a manner satisfactory to the hon. Gentleman opposite. With regard to the last point, he wished to know whether the Tories had ever advanced any man to office except a political partisan? Those who objected to the conduct of his Majesty's present Government, in that respect, reminded him of the line in the satirist—

"Dat veniam corvis vexat censura columbas."

The appointments in question were all of them creditable to his Majesty's Government; and none more so than that of Mr. Pigott, a man of great and acknowledged talents. The General Association had been compared to the Orange societies, but there was a wide difference between them. To prove this it was only necessary to refer to the words of the resolution of that House, denouncing them as "secret political societies, confined to one class of individuals." The General Association was not secret, and was open to men of all descriptions. As to the association of so large a body for the purpose of obtaining their rights, if they had not done so it would have been justly said that they were unworthy of those rights The noble Lord the Member for North Lancashire, had spoken of the paucity of petitions from Ireland as a proof that the people of Ireland were indifferent to the subject. But the noble Lord was mistaken in his computation, and had omitted to notice a number of petitions which had actually been presented. Why was the Emancipation Bill passed if the people of Ireland were still to be considered inferior to the people of England, and if they were still to be prevented from enjoying an equal participation of civil rights? Did not the Emancipation Act mean that any civil rights which might thenceforward be conferred on the people of England should be extended to the people of Ireland? To deny the people of Ireland this, was at once to injure and to insult them. But it was to check the progress of liberty and of liberal institutions that the hon. Gentlemen opposite opposed the present Bill, as they did the Reform Bill. But even some of those who had supported the Reform Bill were opposed to the present measure. The sentiments of the noble Lord, the Member for Lancashire, delivered during the debateson the Reform Bill, were very different from those which he had expressed on the present occasion. In answer to the right hon. Baronet, the Member for Tamworth, on the 23rd of May, 1832, the noble Lord said—"The right hon. Gentleman has expressed his regret that this subject should be agitated so soon after the apparent settlement of the Catholic question; but is it not much better that this measure should be passed at a time when it will give satisfaction, than that it should be withheld, like the Catholic question, for a long time, and conceded, at last, at a period of irritation, which prevented it having the good effect which it otherwise would have had? " Why, I ask, should the question of religious difference be again excited in conjunction with the question of Parliamentary Reform? If we allow the present system of close corporations to continue, under the pretence that it is unsafe to trust the Catholic inhabitants of the towns with the franchise, we may justly be told, that so far from making a settlement of that great question in Ireland, we have continued the grievance and added to the insult. Let me again remind the House, that, if we determine that those grievances shall continue to exist and be felt in Ireland which we have long since removed from England, we furnish a just ground of complaint, and give to the agitators a power which they otherwise would look for in vain." He (Mr. O'Connell) would now put the same question as the noble Lord had put, with the change of a single word: why should the question of religious differences be again excited in conjunction with the question of Municipal Reform? The most unholy appeals had been made to religious prejudices in the course of the present discussion. The opposition to the Bill was made a stepping-stone to office by the hon. Gentlemen opposite. They had raised a "No Popery" cry upon it, from the effects of which he called on all the moderate Whigs and Tories to protect the country; or a religious warfare might be excited, the consequences of which would be destructive of the general peace. He implored hon. Members, who were not actuated by factious motives, not to consent to the opposition to this Bill—an opposition which, in the name of Christianity, sought to perpetuate every existing evil.

Mr. *Grove Price* was not in the habit of trespassing upon the attention of the House unless the question for discussion was of such a nature as to call for an open and unequivocal expression of opinion. Such he conceived to be the case in the present instance, and he therefore felt anxious to express, however briefly, his judgment on a measure which he conceived not only of vital importance to the country to which it more immediately related, but to the whole of the British empire. The hon. Gentleman who last addressed the House had thought proper to indulge in some sarcastic allusions to those on his side of the House who opposed the Reform Bill. For himself, he would say, that he too had ever been the open, and undisguised, and conscientious opponent of that measure up to the period at which it was carried. Indeed, so strenuous was his opposition to that question that he would have willingly resigned his life if, by such a sacrifice, he could have prevented its accomplishment. But the moment that question was settled—the moment the fiat of the Legislature had declared it law—from that moment he had used his honest and best exertions to carry out the principle into practical effect. The able, eloquent, and elaborate speeches of his hon. and learned Friends, the Members for Bandon and of the University of Dublin, rendered it unnecessary for him to touch upon topics connected with the Administration of Lord Mulgrave in Ireland, which otherwise he might have been induced to do. He would not, therefore, dwell further on this point, except to say that the statements of his hon. Friends were well deserving of the serious attention of that House and the country. Never was there a period at which Ireland more required the rule of a Government marked by strength, by decision, and by character, and never in the history of that country was it degraded by a Government the distinguishing characteristics of which were imbecility and frivolity. He implored the House to recollect that they were called upon to decide on a great question, and that decision, if once made in favour of democracy, could never be rescinded. If the House decided that popular power should be extended, and contributed by its vote to swell the ranks of democracy, who amongst them could mark its limits. Who could undertake to say where the popular demands would stop short, or how they could be resisted? Who could deny that this was a stepping-stone to other measures of a more serious and dangerous character; or who could tell (if he might quote from Shakespeare) whether it was to bring "airs from heaven or blasts from hell?" Before they extended Municipal Reform to Ireland he entreated the House to look at the effects it had already produced in England, and if they found that in a country like this, differing in habits, in manners, in education, in religious belief, and other essential particulars, from Ireland, it had been productive of heart-burnings, of social discord, of political animosities, of local jealousies, and party feuds, how much more cautious ought they to be in extending it to a country where two great parties were arrayed in a contest marked by all the rancour of religious warfare? From his experience he could say, that this measure of Municipal Reform had been a firebrand in the domestic circle in every town in England, and had roused into action all the angry passions which had so long been permitted to slumber. He repeated this assertion, and what would be the consequence if they invested towns in Ireland with a power like this—a country where a bigotted and intolerant priesthood reigned paramount and influenced every political movement? Would not the municipal elections be determined by their dictation; and under such a domination who could answer for the safety of the Church, or any other of the institutions of the country? A noble Lord on the opposite side had expressed a wish that the clergy of all religious denominations should abstain from interfering in elections. In this wish he (Mr. Price) most cordially concurred, but, at the same time, he was bound to say, after eighteen years' experience of English elections, he never knew an instance, except in three cases, where a clergyman of the Church of England had overstepped those legitimate bounds which a moderate country gentleman might prescribe to himself. Could this be said of the Roman Catholic clergy of Ireland? [Mr. *O'Connell:* "Yes."] The hon. and learned Gentleman well knew that they had not confined themselves within legitimate limits, and he must also know that the fabric of his power rested on the will of this intolerant priesthood. The cry of "Justice for Ireland" was the watchword of a faction; and if by justice to Ireland was meant its tranquillity and happiness, they would not do justice to the people of that country if they sanctioned the present measure.

Mr. Sergeant *Woulfe* felt satisfied that it would be excusable on his part to condense into as narrow a space as he could whatever he had to offer, and to avoid travelling out of those topics which constituted the subject matter of debate. It was not his intention to go into the questions which the hon. and learned Member for Bandon, in a speech of two hours' length, detailed to the House. He had not intended to go into any of these matters until he had received a letter from a nobleman that morning, begging him to make some explanation on transactions connected with the hon. and learned Member. He could not refrain from explaining these facts, and though he could not complain of the hon. and learned Member for Bandon having occupied the House so long on the occasion of making his speech, he did not think himself justified in following him through it. To the allusions which had been thrown out against Lord Milltown, he thought it his duty to revert, for the purpose of showing how unthinkingly charges were brought against the King's Government. The hon. Member stated that Lord Milltown, being dismissed, or having resigned to avoid being dismissed, from the commission of the peace, in consequence of his having attended a tithe meeting, and in consequence of his agitating conduct there, was, after an interval of time, when he had again qualified himself, in the estimation of the succeeding Government, by joining the General Association in Dublin, actually restored to the commission of the peace. Now, how stood the fact? Lord Milltown never attended any tithe meeting but one; and at that tithe meeting he attended, not as an opponent of the tithe system, but actually to exhort the people to continue to pay the tithes as long as they were liable by law. He did this, not merely from a general disposition on his part to sustain the law of the land, but also because he had a strong personal interest in the due payment of tithes, being a lay impropriator of not less than seven parishes, and deriving a considerable portion of his income from that source of revenue. So much, then, for the charge that Lord Milltown was a tithe agitator. He was not dismissed from the commission of the peace, nor did he resign the commission of the peace, in consequence of anything he had done in connexion with the tithe question in Ireland. He resigned in consequence of an intimation made to him that it was not consistent with his holding the commission of the peace that he should continue to be a member of a political association which was then said to exist in Dublin, and which was called the Volunteer Association. He prayed the House to attend to the cheers of the hon. Gentlemen opposite. They meant to intimate, by those cheers, that the fact of having once belonged to an objectionable Association was to disqualify a man for ever from holding the commission of the peace. Now, he would ask, when they made such an intimation, were they applying to the Associations of their political opponents the same rule that they claimed for the Orange Societies? If gentlemen who had formerly belonged to the Orange Society of Ireland—a society which had freely and generously dissolved itself, were not to be considered as disqualified from holding the commission of the peace, he should be glad to know why the same rule should not apply to other respectable men belonging to other societies which had also dissolved themselves? Those cheers seemed to insinuate that some of those societies still existed. That might be true; but there was this essential difference between the society to which Lord Milltown belonged (and which had spontaneously dissolved itself the instant it saw the probability of the object for which it was formed, being attained) and those Orange Societies, to which many of the hon. Gentlemen who had cheered had been attached, that the Association of which Lord Milltown was a member, was never, by any Act of Parliament, declared to be illegal. It was not so with respect to the Orange Lodges; they were declared to be illegal. So much, then, for the case of the dismissal of Lord Milltown. But it was said that he had been re-appointed to the commission of the peace by the present Government in consequence of his having become a member of the General Association in Dublin. What was the fact? He was re-appointed to the commission of the peace long before he became a member of the Association. With regard to Lord Milltown, then, it was not true, either that he had been dismissed from the commission of the peace in consequence of having attended a tithe meeting, nor that he had been restored to the commission in consequence of having connected himself with the General Association. Furthermore, instead of having made violent and turbulent speeches in the Association, he never spoke in that Assembly more than twice. To be sure, on those occasions it was most probable, nay it must almost of necessity happen, that his speeches were of the most violent, most turbulent, and most inflammatory character—for only think what the subjects were: on the first occasion the subject was that of joint-stock banks. Doubtless a tumultuary subject—enough to make one's blood boil. Well, Lord Milltown went down to the Association and made a flaming speech upon the subject of joint-stock banks. The next topic upon which he spoke so much sedition, upon which he poured out such a torrent of lava, was that of the Poor-laws. He made a speech in favour of the Poor-laws. With these observations he dismissed the subject of the charges brought against Lord Milltown. He ought, perhaps, to apologise to the House for having dwelt upon it so long; but he felt bound to refute the charges that had been made, as well in justice to Lord Milltown as to the character of the Government of Lord Mulgrave, which had been most inconsiderately and unjustly assailed, upon statements, every one of which, he did not hesitate to declare, was as totally unfounded as the one he had just refuted, or as any statements that were ever uttered within the walls of Parliament. He would not occupy the valuable time of the House, which he thought ought to be devoted to the discussion of a subject most important to the well-being of the empire, by investigating the various isolated and particular cases which had been introduced by the hon. Gentlemen opposite, and which had no relevance whatever to the question at issue. He did not mean to complain of hon. Gentlemen for the course they had pursued, but he thought he should hardly be justified in occupying so much time as would be necessary to follow the hon. and learned Member for Bandon into the cases of Mr. Magrath and Mr. Maguire, and to inquire why it was, that the Court of King's Bench passed so lenient a sentence, and why that sentence was afterwards remitted? In the discussion of such cases upon the present occasion, he thought the time of the House was utterly wasted, and therefore he would not enter into them. But there was one topic incidentally introduced into the debate to which he thought he might for a moment allude. He did so, because he considered himself bound in justice to an hon. Friend of his, who had been his predecessor in the office he had then the honour to hold, to state that the ear of the House had been grossly abused, he did not say intentionally—but still grossly abused by the statements which had been made, attributing to that hon. and learned Gentleman a rule with regard to the challenging of jurors, in consequence of which rule, it was asserted that, in many instances, there had been a failure of justice. It was said that his hon. and learned predecessor had laid down this rule—that in the trials at the assizes the Crown should abandon its prerogative, not of challenging, but of setting aside jurors called upon the panel; and that no juror should be challenged or set aside except where there was a legal objection to his being placed upon the panel. That was a misstatement of the fact. The rule that his learned predecessor had laid down, and which he, on coming into office, considered it to be his duty to desire the counsel employed for the Crown to follow, was this—not that they should repudiate or abandon the prerogative which the Crown, from time immemorial, had exercised in Ireland, of desiring a person upon the panel to stand aside, if a proper case for so doing occurred; but that they should not set a juror aside merely because he happened to be a Protestant or a Roman Catholic. They were, of course, instructed to challenge wherever there was a legal ground for challenging; and they were further instructed to set aside jurors in other cases where the objection might not amount to a legal ground of challenge, but this was to be dependent upon the discretion and sound opinion of the counsel employed for the Crown; and to prevent a wanton exercise of this power on the part of any subordinate officer, the Crown solicitor was directed to take a note of every case where a juror was set aside upon an objection not amounting to a legal ground of challenge, and that he should report the circumstance, together with the details of the trial, to the Attorney-General. A wiser or more discreet regulation could hardly be conceived; and the late Attorney-General never laid down any other rule than that. What was the value, then, of all that had been said of the various cases in which there had been a failure of justice in consequence of the abandonment of the prerogative of the Crown? He would not stop to inquire whether it were true that convicts had sat upon juries; it was a point upon which the attention of the House had already been sufficiently fatigued; but this he would say, that if the fact were so it had been not in consequence of the rule laid down by the late Attorney-General, but in consequence of the non-observance of that rule. There was only one other topic irrelevant to the real subject of debate to which he would refer—it was the case of Mr. Pigott. It had been alleged that he was a member of the Association at the time he was appointed assistant to the Attorney-General. Mr. Pigott was not a member of the Association at the time of his appointment to that office. He had been a member of it some time previous to his appointment; but he ceased to be so at the time of his appointment—a very short time previous to his appointment, he admitted. He did not state that fact as an apology—he did not think an apology necessary; but he stated this simple fact, that Mr. Pigott did think it right to withdraw from the Association before he took the office he was then holding; not because he thought that the Association was illegal, but because he felt that it was the growth of great popular emotion, and that it was not fitting that either a judge—or a person who might be called on to be a judge, should take such a decided part in a popular movement. An instinctive delicacy and sense of propriety on the part of Mr. Pigott induced him to think—not that he considered the Association illegal, but induced him to think it right that he should not continue to be a member of an Association which was undoubtedly the offspring of great popular passion; and it would be well for the respect due to justice if those who were members of other societies would follow Mr. Pigott's example. The hon. and learned Member for Bandon had put a question with regard to this circumstance which he would take the liberty to answer, after the fashion of his country, by putting another. The hon. and learned Member asked what would the Government do if they found it expedient to put a question to Mr. Pigott with regard to the legality or illegality of the Association? Now he was grievously misinformed if there did not exist in Dublin another association, called the Lay Association, which consisted of persons who had confederated together, and clubbed their purses and resources for the purpose of carrying on a system of the most expensive and vexatious litigation. If he were misinformed, of course what he said would fall to the ground; but he had certainly heard of a confederation in Dublin, called the Lay Association, the members of which contributed largely for the purpose of carrying on suits, in which they were not personally interested, on the part of the tithe-owners in Ireland. He was glad that his hon. and learned Friend (Mr. Sergeant Jackson) denied the existence of such an association; but up to that hour he had certainly been led to believe, not only that such an association notoriously existed, but that the hon. and learned Gentleman himself was a member of it. But as there was no such association, of course it could not be true, either that the hon. and learned Gentleman, or any other distinguished Conservative Members of the bar were members of it. As no such association existed, he could only put the case hypothetically. Suppose such asociety existed, suppose the Government changed, and suppose a Lord-Lieutenant sent over to Ireland, who should think it necessary or proper to call upon some of the members of that Conservative association to act as his legal advisers, and a question were to arise as to the legality of that association, upon which the gentlemen so called upon to act as officers of the Crown would have to decide—would not the situation of those gentlemen be, in every respect, similar to that of Mr. Pigott? One association, perhaps, might be quite as legal as the other; but there was, at all events, this difference between them—that the one had existed, if not identically, at least in shapes exactly similar to itself, for a multitude of years, and had been declared by the highest authorities, to be beyond the reach of either the common or the statute law—whereas the legality of the other had not yet been brought to the test, although it might be soon. He was ashamed to find that he had occupied so much time upon isolated and irrelevant topics. He came now to the proper subject of debate. The great, the fundamental proposition that had been pressed by hon. Gentlemen on the opposite side of the House, as an objection to the plan proposed by his Majesty's Government for reforming the corporate bodies of Ireland was this:—that the effect of it would be to transfer the power incidental upon those corporations from the hands of the Protestants, where it was now alleged to be, into those of the Roman Catholics. Now that proposition, as far as it had any claim to truth whatsoever, entirely failed in supporting the argument that was built upon it; and as far as it was capable of sustaining the argument built upon it, so far it was utterly devoid of all truth. It was not true, that the effect of the measures proposed by his Majesty's Government would be to transfer from the Protestants of Ireland the power incidental to the corporate bodies in that country. It was not true that that power was now in the hands of the Protestants. It was not true that the parties holding that power were the Protestants of Ireland. He did not wish to use a harsh phrase, but, as the term had been used in the course of debate, he might observe, that the Protestants connected with the corporations of Ireland constituted but a miserable minority, when compared with the general Protestant body of that country. The persons who now hold the power incidental to corporations as effectually excluded from among themselves the great mass of Protestant wealth and intelligence, as they did the Roman Catholics. There was not a province in Ireland, scarcely a county, which did not contain within it a body of Protestants, rigidly excluded from the corporations, but who, nevertheless, surpassed the whole body of those corporations put together, in everything that could give value to character, and weight to opinion. If any authority were wanting to sustain a proposition that was so notorious, he was armed with one of the strongest kind—an authority valuable in itself, and of peculiar weight in the estimation of the hon. Gentlemen who sat opposite. In the year 1829, when the Duke of Wellington, then at the head of affairs, introduced into the House of Lords the Roman Catholic Relief Bill, and when the right. hon. Baronet, the Member for Tamworth, did the same in that House, they both naturally and fairly sought to justify their measure, by showing that they were sustained in the introduction of it, by the great mass of the Protestant wealth, numbers, and intelligence in Ireland. With this view, each in his respective place, went into minute statements of details, for the purpose of establishing his doctrine; and they did so, although it was as notorious as the sun at noon-day, that every man belonging to the corporations in Ireland was arrayed against the measure they were proposing; yet, in their estimation, so far from regarding the corporations as constituting the great mass of the Protestant population of Ireland, they viewed and treated them as an inconsiderable section. The thing really was too notorious and obvious to require any argument. The power now vested in the corporations was not in the hands of the Protestants; it was in the hands of a small sectarian portion of Protestants; and not even in that part of the Protestant body which happened to differ from his Majesty's Government, but in a sub-division of men held together by local ties and family connexions. It was not true that the proposition of the Government was, that the Protestants of Ireland should have anything taken from them; and it was less true, that the proposition was to give power to the Roman Catholics of Ireland. The effect of the measure proposed was, to give the power of these corporations, not to the Catholics of Ireland, not to the Protestants of Ireland—but to give it to the people of Ireland. The effect of it would be, to give to every man in the country who would be entitled to it, a participation in that power, irrespective of his creed. The effect of it would be, to attach to corporate power a civil qualification; and wherever that qualification was found, there the power would be found also. The limitations adopted in the Bill proposed by the King's Ministers, made it utterly impossible that the Roman Catholics of Ireland could acquire more power than they *de facto* possessed, or than they were *de jure* entitled to; or, that they should have less *de facto* than they were entitled to *de jure*. It distributed corporate power upon the only principle on which any power can be justly distributed. It distributed it to every man who had that presumption of fitness to possess it in his favour which arose from his having the necessary civil qualifications. It was the principle upon which all the powers in the state were now distributed; it was the principle upon which the elective franchise was distributed; it was the principle upon which the power to sit in the House of Commons was distributed; it was the principle which pervaded the whole system of our civil establishments. But he was not now arguing that point, because, if he mistook not, hon. Members on the other side of the House did not suggest that this principle was not a fair one, and ought not to be adopted. No; they said, that if the power was to be created, this mode of distribution was just; but they alleged that, inasmuch as the adoption of this principle of distribution would lead to the giving of that power into the hands of the Roman Catholics, therefore the power itself ought not to be created: because, if the power were to be distributed at all, it must be distributed upon a constitutional principle, and that principle would give the Catholics more power than the Protestants. Was not that the argument? In the first place he would remark, that gross exaggerations had been made as to the extent of the influence which this Bill would give the Roman Catholics. He really could not believe that any man acquainted with the state of Ireland could get up in that House to say, that the effect of the Bill would be to put the entire corporate power in the hands of the Roman Catholics. With those who knew the state of the city of Dublin, of Belfast, of Waterford, of Cork, and of other cities in Ireland, such an argument could have no weight. Was it not notorious that in those towns the Protestant strength chiefly prevailed. And what was the fact with respect to parties in those cities? Not only were the Roman Catholics not a decidedly ascendant party, but in those places where the 10*l.* qualification was established, even with the aid and assistance of the liberal Protestants—a most efficient as well as valuable body of men—the Roman Catholics were only able to maintain a difficult and precarious struggle against the section of Protestants who were arrayed against the Government. It was impossible, therefore, to insist that the whole power would fall into the hands of the Catholics. If any man would look only at the shops and houses occupied by the Protestants in those towns and count their numbers, he would be compelled to say, that the Protestants must necessarily partake, in a very large degree, of the power of the municipal corporations in those places. Was it, then, he would ask, just or honest to represent, that this was an entire and wholasale transfer of power out of the hands of Protestants into those of Catholics? It was not. It would fall into the hands of Roman Catholics and Protestants in that proportion in which it ought to fall with respect to the population, wealth, and intelligence of the towns. It was a remarkable thing how differently the strength of the Catholic body was represented in that House, according to the different ends which were to be attained, by the hon. Gentlemen opposite. At one moment hon. Gentlemen opposite had to exhort the House not to yield to abstract justice; pressing upon them the practical expediency that intervened, and made it improper that a body so influential and large, and occupying all the civil positions in Ireland, they should be entrusted with the power of local taxation. When that was the view to be pressed upon the House, nothing, according to those hon. Gentlemen, was so great and irresistible as the power of the Roman Catholics; they were all in all, and quite overwhelmed the Protestants everywhere. But, on the contrary, when the feelings of the Roman Catholics of Ireland were to be outraged, and every indignity to be cast upon them, then they were represented as an insignificant body, and that the Protestants of Ireland were able to control and to keep them down. In short, the deductions drawn from the proportion of the Roman Catholics and Protestants were made to answer any purpose. But he would not dwell upon this fact. He would place his argument upon higher ground. He would admit, for the purpose of argument, that this power, being distributed upon a proper and sound principle of distribution among the people of Ireland, it would throw a larger proportion of that power into the hands of the Roman Catholics than into the hands of the rest of the population. Assuming this, for the sake of argument, he would then say, that to withhold that power from the people of Ireland upon the ground of their religion alone was a gross violation of the Act of Union, and of the Act of Emancipation. He would say, that to withhold from the people of Ireland an important civil power which had been already given to the people of England and of Scotland, because in Ireland a greater proportion of that owerp might fall into the hands of the Catholics than of the Protestants, was to disturb the balance of constitutional power between the different portions of the empire and to violate the principle of the Union. He would say, that to give to the people of Scotland and of England a civil institution which enabled them constitutionally to exercise a control over the Government and the Legislature, which gave them an important influence over all the executive functions of the state, and at the same time to withhold that power from the people of Ireland, was to act in violation of the Act of Union, and to the prejudice of the Irish people. What was the principle of the Union? The principle of the Union was equality. The principle of the Union was equal dealing towards the people of England, Scotland, and Ireland. But it was not equal dealing to give to the people of the two former countries those means of controlling the legislative will and the executive Government which were withheld from the people of Ireland. Was it denied on the other side that these corporations did give to the people, wherever they existed, a great constitutional power over the legislative will, and over the executive; Was that fact denied? It was so far from being denied, that it was the very groundwork of the argument advanced on the other side. Their argument was, that Municipal Corporations would have that effect in Ireland; and because they would, so they ought not to be given to the people of that part of the empire. The argument used both for and against the English Corporation Bill, when it was passing through Parliament, was, that it tended to augment the power of the people over the ruling authorities of the State. He would not now inquire whether the English or the Scotch Municipal Bills had had that effect; but he would say this, that having given that power to the people of England and Scotland, they could not in honesty or in justice, or in adherence to the principle of the Union, withhold it from the people of Ireland. He knew, that in the course of this debate, Gentlemen on the other side had affected to think that they had answered this argument, founded upon the title of the people of Ireland to share equally with the people of England and Scotland in exercising all constitutional power over the will of the Legislature and the Executive, by saying that there existed other differences between the law of Ireland and of England and Scotland; that a similarity of the law was no portion of the Union, and that it was not necessary to the Union that such a similarity should exist. No one had ever said—he, at least, had never said—that a similarity of the law was necessary; but what he contended for was, that if they gave to the people of one part of the empire power which enabled them to exercise a control over the will of the Legislature and the Executive, they could not in fairness refuse the like power to the other parts of the empire. The Poor-law and the Constabulary Bills had been referred to. The similarity of those measures to the laws in England might or might not be necessary; but show to him that the want of any law in Ireland which existed in England would be attended with this result—that the people of Ireland had less control over the will of the Legislature and the Government of the Empire than they would enjoy if that law existed—show him that, and he would then do the utmost he could to assimilate the laws of the two countries. It was not the act of Union alone that would be infringed and violated by the project of the noble Lord on the other side (Lord F. Egerton), but the fundamental principle of the

Act of Emancipation would be widely departed from. The principle of that Act was, that all the civil powers of the State might be properly intrusted to Roman Catholics, notwithstanding their religion. The principle of the Emancipation Bill was to place in the hands of the Roman Catholics, in spite of their religion, the most important civil power and authority. It intrusted to them the right to sit in the House of Commons; it intrusted to them the right of filling the highest offices in the executive department of the State, while acts of the same nature empowered them to lead our army and conduct our fleets. Such was the principle of the Emancipation Bill; a principle which declared that notwithstanding their religion Roman Catholics were trustworthy to hold civil power in the State. But what was the principle proposed by the noble Lord's project? He considered it to be this—that by reason of their religion the Roman Catholics of Ireland were not worthy to be intrusted with the exercise of that power over their own concerns which the rest of his Majesty's subjects enjoyed. He knew very well that an attempt had been made to reconcile the principle of that project with the principle of the Emancipation Act. It was said, that there was no injustice in that project, because the principle of the Emancipation Act was equality between Catholics and Protestants, and accordingly the project of the noble Lord dealt with them upon the principle of equality. The noble Lord said, that the Bill of his Majesty's Ministers did not deal equally with Protestants and Catholics, whereas his amendment did. But the distinction was most marked and obvious. The principle of the Roman Catholic Emancipation Bill was equality of employment, notwithstanding dissent—the principle of the project of the noble Lord was equality of privation because of that dissent. The principle of the Catholic Emancipation Bill was equality of rights—the principle of the project of the noble Lord was equality of wrongs. The principle of the one was the principle of distribution—dealing with the powers of the State as equitably distributable among all without regard to difference of creeds; while the principle of the other was the principle of destruction—destroying all civil powers instead of distributing them upon an equitable principle. The principles of the two measures were not only not the same, but the very antipodes of each other. Nothing could be more dissimilar than the two principles. He could understand how a person who opposed the Catholic Emancipation Bill, and who entertained sentiments hostile to that measure, might still think that, under every circumstance, the augmentation of the Roman Catholic power was to be considered as likely to militate against the Ecclesiastical Establishment in Ireland; but how any man who at the time of its being passed thought, and still continued to think, that principle just, could support the project of the noble Lord, really surprised him. At the same time he must observe, that those persons were departing from their own principle. Their ancient principle was, not only that the Catholics should not have civil power, but that Protestants should and Catholics should not; whereas, now their principle was, that neither Protestants nor Catholics should have civil power. If they were justified in principle and policy in withholding civil power from Catholics and Protestants in Ireland, for fear a predominancy should fall to the Catholics he could not help saying that would have found the right hon. Baronet, the Member for Tamworth, in 1829, means of escaping the difficulties by which he was then beset. The right hon. Baronet distrusted the Roman Catholics—he was afraid they would abuse the powers to be placed in their hand, but he was coerced by circumstances to give it them. Now, if the principle of the noble Lord's project were sound, could not the right hon. Baronet have adopted it, and instead of giving civil power to Catholics and Protestants indiscriminately, why not have taken it indiscriminately from both? That would have been a much more safe mode of proceeding according to the right hon. Baronet's own views. But he did not think of adopting that principle. It was a new-fangled principle unheard of before. He defied any hon. Member to open a single page of the History of England, since it was a nation, and show that the principle of destroying civil power, because it might possibly fall into the hands of one party rather than of another, was ever before acted upon. It was a principle at variance not only with history, but with every system which had ever been adopted. The principle upon which the predecessors of the hon. Gentlemen opposite had proceeded was, that if there were a party in the State which ought not to be intrusted with power, yet punishment ought not to be inflicted on others—that Protestants were not to be deprived of their rights because Catholics were unworthy. Hon. Gentlemen opposite spoke of innovators and of innovation. But who were the innovators, and what was innovation? That was innovation which spoliated Protestants without gratifying the Catholics. It was no satisfaction to the Catholics of Ireland that when their civil rights were destroyed, the civil rights of the Protestants of Ireland should also be destroyed. He was sure that there was not a Catholic in Ireland who would not rather a thousand degrees that the corporations should be established in Ireland upon a fair basis, and upon the principle of popular representation, although confined to the Protestants only, than that they should be wholly extinguished. He admitted that by the adoption of that clause the Catholics of Ireland would sustain a considerable wrong; that the principle of the Emancipation Bill would be violated, though not more grossly than it would be by the present project of the noble Lord opposite; but still the principle of the Union would be saved—that Act of Union which established equality between England, Ireland, and Scotland, would at all events be preserved. He had in all periods of his life been a supporter of that Act of Union. He had done so because he considered by the provisions of that Union every man in Ireland would be treated in all respects upon terms of equality with Scotland and England, and that on all questions of power, in all matters where the people were to exercise any influence in the State, the people of Ireland would receive the same attention, their feelings would be equally consulted, and their will, their prejudices, if you please to call them so, would have equal effect on the Parliament of the United Empire, and would produce as full an operation upon the proceedings of the Legislature and the Executive as the will, the passions, the feelings, and the prejudices of the other parts of the empire. He had argued with many people in Ireland upon the principle of the Union, but he could not argue with them again if the argument maintained by hon. Gentlemen opposite were to be admitted. How could any man suppose that they could maintain the Union if the people of Ireland were to be taunted as they had been. You told them that you would support the Union between the two countries—you told them that the people of England would do justice to them with all other parts of the empire; but what had the Irish nation done, that while municipal institutions, on a popular basis, were given to all other parts of the country they were withheld from Ireland? It was not because they did not require local bodies like those established in England, it was not because they had no local matters to attend to which required watchful superintendence, but because those bodies had hitherto been made exclusive in Ireland, and that, therefore, they should not be established now. This argument, however, was now in substance abandoned with regard to Ireland; and, to use a vulgar expression, was now regarded as mere chips in porridge. Then why should Gentlemen opposite not accept this measure now? Did they do so on the ground that these institutions had not been found to be beneficial in England and Scotland? On the contrary, their utility was admitted. He would then ask whether they could sustain the Union without life. Hon. Gentlemen opposite said that they could not maintain the Established Church conjointly with these bodies. He never heard of a proposition having been made in that House to grant some boon, or to bestow some advantage on the people of Ireland. that was not met by some ill-omened expression in some speech or other, that if they did so they would tend to destroy the Irish Church. He could only regard such expressions as mere cant, which had been constantly used from the time of Swift down to the present time; and they had been urged not only against the Catholics, but also against Presbyterians and Dissenters—indeed, they were sometimes now applied in the latter way. The Legislature, then, had been driven, step by step, to grant to the people of Ireland large and constitutional powers, but at the same time refused them the government of their local affairs. You give them political power, but you refuse them this comparatively insignificant, but at the same time important, power. The mode in which this had been refused was an insult as much as the refusal was an injury; but was there no possible loss of strength in withholding these institutions? This part of the subject had been eloquently dwelt on by the hon. Member for Liskeard, who traced out the several uses and benefits which had arisen from them in England and Scotland. If, however, these bodies were perfectly useless in Ireland, yet if they were withheld from that country in the manner in which they had hitherto been, it would excite feelings of discontent which they would never be able to dispel. He was most anxious to support the union between the two countries, but to do this effectually, every reason and argument showed that they must give the same measure of justice to Ireland that was possessed by the people of England and Scotland.

Sir *James Graham* could assure the House that he had risen with very great unwillingness. Need he make any excuse for saying so, aware as he was that the subject had been so sifted and winnowed, that he feared the chaff only remained, and that, therefore, the House would be unwilling to hear him on this third night of the debate, and furthermore, because he had presumed, on more than one occasion, to address the House on that very same subject; nevertheless, the vital importance of that subject impelled him once again to then offer his opinions. If he thought the subject important before the commencement of the speech of the hon. and learned Gentleman who had just sat down, he was disposed now to think it of still higher importance. Sectarian as he was called, and almost bigot as he was held to be by hon. Gentlemen on the other side of the House, he would remind them that he had been the firm, constant, and uniform supporter of the Catholic claims for emancipation; and, as one who supported those claims, he sincerely congratulated the hon. and learned Gentleman on having won his way to the highest office of his profession by his legal abilities, and on having sustained the credit of his appointment by the ability he had displayed in the speech which he had just delivered. Having said that, he hoped the hon. and learned Gentleman would permit him to comment with freedom on some of the topics of that speech. He (Sir J. Graham) had already said, that, in his opinion, the importance of the subject had been increased by what he had heard fall from the hon. and learned Gentleman, whom he understood to have said, that if this question were not carried, then he, the King's Attorney-General, would cease to defend the Union.

Mr. Sergeant *Woulfe* begged leave to explain: he had said more than the right hon. Gentleman attributed to him. What he had said was, that he should cease to be able to defend, with effect, the Union from those who attacked it.

Sir *James Graham:* That was a very nice distinction. The hon. and learned Gentleman would excuse him for saying, that this was a fine-drawn legal subtilty, which he feared would not be so nicely discriminated by the people of Ireland. He must, however, remark, that there was something ominous in such a declaration being made by the King's Attorney-General, that if this question was not carried now—at this particular moment—that he was of opinion that he would not be able to defend with efficiency the Union with Ireland. But he would pass on from this topic to the real question in debate, which was in point of fact, the actual state of affairs in Ireland. He would not follow the hon. and learned Gentleman through his arguments as to the criminations and recriminations which had passed between different sides of the House respecting the Association in Ireland. It appeared, that that which was one day the Volunteer Association, became shortly after the National Association; and, in answer to remarks respecting this to-day, the hon. and learned Gentleman recriminates the other side with the existence of the Lay Association, and of the Orange Association which was put down last year, but which was now again got up under another form. And he would remind the House, that although the National Association was on one side, and the Lay Association on the other, that the Lay Association had been formed for the purpose of maintaining the administration of the law, the execution of which duty had been, in some respects, partially or wholly neglected by his Majesty's Government in Ireland. The National Association, however, was formed for the purpose of violating the law, and he must also add, that he considered that that Association continued to receive a most extraordinary degree of indulgence and support from his Majesty's Government. The hon. and learned Gentleman said, that he would not go into a defence of the various legal acts of his Majesty's Government. What would the noble Lord, the Secretary for Ireland, say to this declaration of the Attorney-General, after the statement he made the other night? What was the answer which would be given to the case of Mr. Cassidy? Surely it had not escaped the recollection of the hon. and learned Gentleman, that since the noble Lord, the Secretary for Ireland, had spoken, the letters of Lord Vesey and Lord Oxmantown had been read to the House? The statements contained in their letters had not been denied; they could not be denied. He would not stop at the case of Mr. Cassidy, but would go on one stage further. He would not, however, pass by the general gaol delivery made by the Lord-Lieutenant of Ireland during his tour through the country, when he liberated not less than sixty-nine prisoners in one county, and when he found that certain prisoners had been committed for a further time to gaol, until they found bail, he ordered them to be liberated, and they had not heard that he had taken care to direct that some provision should be made for surety in the shape of bail. The hon. and learned Gentleman, as the Attorney-General, was the legal adviser of the Lord-Lieutenant; and surely he might have been expected to give some explanation of this proceeding. He now, however, came to a much more important point, namely, the case of Mr. Pigott. He intended to argue the general question immediately; but, in the first instance, he trusted that he should be allowed to make some remarks on this case. There could be no doubt that Mr. Pigott seemed to entertain a higher sense of duty with regard to the appointment he held, and the situation he occupied in connexion with the Association, than was entertained by his Majesty's Ministers. It had been stated by the hon. and learned Gentleman opposite, that Mr. Pigott thought that it was only proper and becoming before he accepted the office which had been conferred upon him by the Irish Government that he should retire from the Association. It appeared that his Majesty's Government, however, had no such scruples. As the case stood, according to the statement of the King's Attorney-General for Ireland, it appeared that Mr. Pigott thought that it was only decent and proper for him to withdraw from the Association before he accepted office; but it was not stated by the hon. and learned Gentleman—it remained to this moment a presumed fact—that his Majesty's Ministers made no such agreement on this appointment of Mr. Pigott. But he did not attach much weight to the offer of the appointment on condition of his withdrawing from the Association; and it remained yet to be seen whether the offer of the appointment was made while he was yet a Member of the Association. If it was made while he was a member of the Association, and he of his own free will resigned the Association, it became a mere subterfuge, and the argument remained untouched and uncontradicted as regarded his Majesty's Ministers, that they had made an appointment of a gentleman to the most confidential legal office connected with his Majesty's Government in Ireland who had previously taken a part in the proceedings of the Association, had been a most useful member of it, and had taken an active part in its formation. And let the House not forget that for the purpose of making this gentleman the legal adviser of the Government a special and unusual vacancy was made. Who was the first sergeant in Ireland? A gentleman of great ability and high professional reputation, and very lately in the confidence of the Government. This gentleman had been passed over in appointing a Solicitor-General. Certainly his hon. and learned Friend, the Member for Bandon (Mr. Sergeant Jackson), had no title to the confidence of his Majesty's Ministers. But who was the third sergeant? A gentleman whose talents were well known and appreciated in that House, and who had a high professional reputation and character. These two gentlemen were passed by, and a person was made Solicitor-General who held the office of confidential legal adviser to the Irish Government, that Mr. Pigott, who was comparatively little known in the profession, might be placed in the latter office. He understood the hon. and learned Gentleman to say, that the establishment of Municipal Corporations would give greatly increased political power to a certain party in Ireland, and would afford additional means of controlling the Legislature. He begged to ask his Majesty's Ministers whether at present there was not a sufficient control exercised over them as regarded all their Irish measures? Were they desirous, by a measure like that before the House, to increase this influence and control, for a learned Gentleman sitting beside them had told them that by giving municipal corporations they would materially increase the political power of a certain party in Ireland? He thought that he had read in a speech of the hon. and learned Gentleman—he believed an electioneering speech—another description of the probable operation of this measure. If he was wrong in his quotation, he should be happy to be set right; but he recollected to have read some observations purporting to be made on a certain occasion at Cashel, when the hon. and learned Gentleman took an opportunity of discussing this question. Did not the hon. and learned Gentleman then make use of an expression somewhat of this nature—that if this measure were carried, the popular influence of a certain party which was now supporting His Majesty's Government would be greatly increased—that the number of Members of that party returned from Ireland would be augmented from sixty to ninety. He would now turn to a very important part of the question, and would, in the first place, refer to the speech made last night by the noble Lord, the Secretary at War. The noble Lord put certain questions with great perspicuity and force. The first was, why did the opposition put forward this argument, that the carrying this question would be attended with danger to the Church of Ireland? And next he asked, how would the establishment of municipal institutions endanger the established Church in Ireland? The Attorney-General for Ireland had refused in no very courteous terms to give any answer to these questions. He said that it was all cant to talk of the Church being endangered by these municipal corporations. The hon. and learned Member for Bath had said, that the notion of the Church being in danger was merely the hobgoblin phantom of a fanatical imagination. Another hon. Gentleman called it a political cry of a faction, and other expressions of a similar character had been used. The noble Lord opposite did him only justice in saying, that, in arguing the question last year, he did so in connexion with the Established Church. He did so consider the question last year. It was afterwards said, that the question connected with the Irish Church was only made a stepping-stone to power; he could reply that neither noble Lords nor the right hon. Gentlemen opposite would assert that he was touched by any such insinuation. He would now endeavour to establish the fact that this connexion between the two questions was not so unnatural as hon. Gentlemen opposite asserted; and he would do this by citing evidence which the opposite side of the House could not refuse to receive. The evidence he alluded to had been given in the course of the present debate, and in the presence of the House. The noble Lord, the Secretary for Ireland, complimented an hon. and learned Friend of his on the great ability he displayed in the speech which he made on this question two nights ago. He admitted that the speech of the hon. and learned Member for Liskeard (Mr. C. Buller) manifested great ability, and he confessed that he heard the opinions put forth in the course of it without surprise, coming from whence it did. That speech contained some very strong expressions, and he certainly did not mean to say, that the noble Lord when he praised that speech was to be considered as adopting all the opinions put forth in it, or to be held answerable for all the expressions used in the course of it. This would be very unfair; but then the House should consider the character of the speech in support of this measure. The hon. and learned Member for Liskeard said, that he regarded the Irish Church with horror, as the most revolting profanation of all that was most venerable in Christianity, and the most odious perversion of all that was useful in the principle of a church-establishment. He went on to argue that the Church in Ireland could not co-exist with free institutions. He was followed last night by another hon. and learned Gentleman, in a speech of not less ability than that of the hon. Member for Liskeard, and what was his description of the Church of Ireland? He applied terms to it which had in former times been used with reference to another Church in the height of polemical quarrels. The hon. and learned Gentleman called it the harlot Church of England in Ireland, the greatest enormity in any country in Europe—this harlot Church of England as now existing in Ireland.

Mr. *Roebuck* rose to order. He begged the right hon. Baronet not to misrepresent him. The words he made use of were, "the harlot Church of Ireland;" he said nothing about the Church of England.

Sir *J. Graham:* The hon. and learned Gentleman might endeavour, with great legal precision, to make a distinction between the expressions, but in the eyes of the law and the nation there was no difference. The Church of Ireland did not exist separately from the Church of England. Did any hon. Gentleman deny that the proper expression to be used was the Church of England as established in Ireland? The main point, however, was, that the hon. and learned Member for Bath had used the opprobrious epithet, "the harlot Church of England, as established in Ireland," and had declared that Church to be the greatest enormity in Europe; and the hon. and learned Member, following up the arguments of the hon. and learned Member for Liskeard, went on to give, in able terms, his *rationale* of the further proposition, that an abuse so great, so flagrant as the Church Establishment in Ireland, could not co-exist with free municipal institutions. His words were—"This Bill will produce a spirit of self-dependence that will prevent them (the municipal burgesses) from suffering themselves any longer to be guided or governed by any body,"—a very happy prospect! "so as to make them support or approve of any abuse whatever." He was accused of being a bigot for contending that the two questions were connected; but he was now showing the House that there was not only a natural but an irresistible connexion which could not be denied even by Gentlemen on the opposite benches. His noble Friend, the Member for North Lancashire, had shown, that with the petitions in favour of this Bill, the question of tithes had been generally, it might be said invariably, united. That was not the result of accident, but of previous arrangement, under the direction of the National Association of Ireland. He was glad to see the hon. Member for Tipperary in his place, for whenever he heard him discuss any great national question in which he felt interested, no man listened to him with more sincere pleasure than he did. He would now read to the House the forcible suggestions given by the hon. Member for Tipperary at the meeting in the Coburg-gardens: he told his auditors, that "strong and immediate application must be made to the Legislature for relief from that most frightful of all grievances; that 7,000,000 was the talismanic word by which to disarm the rancorous faction of its power." That was rather on a footing with the threat of the Attorney-General for Ireland that the Union would be dissolved unless the Bill were passed. It was said that it was the bigots, the political hypocrites, on his side of the House, who united these two questions; but here was the hon. and learned Member for Tipperary telling the people of Ireland by no means to petition for corporate reform alone, but in every petition to unite with that subject the more important and more pressing question of tithe. The hon. and learned Member further said, "Trust to me who have long observed the debates, in which I have acted as well as looked on, when I say that success is certain, that they will, they must, they shall give way." The hon. and learned Member cheered this sentiment of his; and it had, indeed, become quite evident, from the tone which the subject had assumed, that the question now was, whether the House was to yield to intimidation by force, whatever its real opinions on the subject might be. There was plenty of evidence to establish the fact of this connexion. Besides the evidence of the hon. and learned Members for Bath, for Liskeard, and for Tipperary, there was the hon. and learned Member for Kilkenny, who could be brought forward as additional evidence on this point. He would not read to the House the many extracts he had by him from the hon. and learned Member's speeches, on numberless occasions, on this subject; but he would recall to the House the important declaration which that hon. and learned Member had made:—"Let me get the Whigs to a certain point, and I will undertake to carry them the rest of the way with me." That was not all. The hon. and learned Member connected with the Municipal Corporations question, not only the Church question, but many other and much greater ones. He had declared, "I am for the assertion of the voluntary principle in Ireland, the separation of the Church from the State, the vote by ballot, the household suffrage, the expulsion of the Bishops from the House of Lords, and the organic reform of the Lords themselves: give me Municipal Reform, and I will undertake to carry all these into the bargain." He would not carry this point any further; the connexion of the two subjects, he thought, had been indisputably proved. The noble Lord, the Secretary at War, had pressed another point on the attention of the House in reply to the noble Lord, the Member for North Lancashire, who had charged the Government with always burrowing onwards, although they were satisfied that this measure could produce no good effect, and although a large minority in that House had declared, while the supporters of the Bill admitted, that it was a step towards the destruction of the Established Church. The noble Lords and right hon. Gentlemen opposite, satisfied themselves with the notion, that because they had no such intention, that therefore no such result would take place; and the noble Lord, the Secretary at War, by way of meeting his noble Friend, the Member for North Lancashire, had charged him and his Friends with taking up the very position which those occupied who opposed the Reform Bill when he held office. But the cases were by no means analogous or parallel; and to prove that he would remind the House that the measure then brought forward by Earl Grey as the head of the Government was a specific and final measure, utterly and entirely unconnected with any other. When Earl Grey proposed it to the House of Lords, he said, "There is nothing in this measure which is not founded on the acknowledged principles of the constitution; there is nothing that is not perfectly consistent with the ancient practices and institutions of the country; there is nothing that may not be adopted with perfect safety to the rights and privileges of all the orders of the State, and particularly of that order to which your Lordships belong." What was the declaration which Earl Grey made after the Bill had passed, and after his Government had been broken up, and within a few days of his retirement from office? On the 6th of June, 1834, Earl Grey said, "It is undoubtedly true, that while every Member of the late Administration felt the necessity of introducing a measure of Parliamentary reform, we thought it right that it should be an extensive measure, in order that we might afterwards take our stand upon it; and I appeal to your Lordships and to the country whether I have not resisted any attempt to push the principle of that measure further." That was a measure, then, specific, and finite in itself; and although in carrying out that measure the Government received the support of some Gentlemen who had ulterior views, yet the existing state of parties at that time was such that the old Whig party had a most predominant influence in the House, and the Radical party was comparatively small, so that there was a party sufficiently strong in itself to resist any attempt to push extreme measures. But was the present a specific and a final measure? The noble Lord, the Secretary for Ireland, might say that it was intended to be so, but was not the question left open still with regard to tithes in Ireland? Were there not other questions still left in a vague and indefinite state? Had his Majesty's Government given any decided answer yet as to the course they meant to pursue with regard to the appropriation clause? What power had the Government to give effect to their own decisions on this point? Had not a great change taken place in the relative strength of parties? What were the relative proportions at present of the Radical and old Whig party? Had there been no compact in this matter? Not only a compact—but a compact union was notoriously effected at Lichfield-house, and what was it? As he understood the nature of that union, it might be shortly and simply stated—it was this, to give Downing-street and office to the Whig party, and surrender the Irish Church to the Irish Association. He said more. He was decidedly of opinion, after surveying the relative strength of parties in that House, that if the Gentlemen among whom he sat were to secede from the House of Commons, and cease, for a short while, to attend to the duties here, he did believe not a month would elapse before vote by ballot, household suffrage, the expulsion of the Bishops from the House of Lords, and the voluntary principle in Ireland, would be established by the most triumphant majorities of at least two to one. So much with respect to the strength of parties at the present moment as contrasted with their relative strength during the progress of the Reform Bill. He should now shortly address the House upon one or two other points. And first of all, he begged to state that the representation of this motion for the abolition of corporations as an Orange device, was utterly unfounded. It was no new opinion—it was no new project. It was first mooted, he believed, so far back as 1829; it was decidedly advocated in the letter of Lord Cloncurry, which he had read at that time; and if he were not greatly mistaken, in a petition which came from the Catholic Association in 1826, this precise object, this disfranchisement, meaning thereby the abolition of those corporations, was distinctly prayed. It was therefore no new proposition. He should not go into all the details of the measure itself, but there was one point on which he must be allowed to touch—he alluded to the alteration which had been made in the Bill with regard to the appointment of sheriffs. That point had not been very distinctly explained by his Majesty's Ministers. He wished to call to the recollection of the House what had taken place on this subject. When the Bill was introduced last year, it was provided that as in England so in Ireland, the sheriffs in the counties of cities should be subject to popular election. Those on the opposition argued that this was an undue interference, in the shape of popular control, with the administration of justice. His Majesty's Ministers yielded to that argument, and withdrew from popular control, the sheriffs of counties of cities, and the other justices. But an alteration was made this year. The Bill gave to the popular body the right of returning three names to which the Lord-Lieutenant might absolutely object, without assigning the slightest reason. It then empowered the municipal bodies to name the other three, and gave the Lord-Lieutenant the power of setting them aside also. Now he begged the House to observe what had already taken place on the subject of setting aside jurors. If public opinion had rendered it necessary to place some restraint on the unlimited power, as it had hitherto been exercised by the Crown prosecutors—and the rule had been to-night satisfactorily enough explained by the hon. Attorney-General for Ireland, although his explanation was somewhat inconsistent with that furnished on a former evening by the noble Lord—if the weight of public opinion against the setting aside of jurors had rendered the practice so unpopular, what would be the effect of the Lord-Lieutenant setting aside six gentlemen thus nominated by their fellow-townsmen to fill the high situation of sheriffs without assigning any reason whatever? There might be sufficient reasons against all of these, and yet in the present state of public opinion in that country it was hardly possible for the Lord-Lieutenant to exercise that most sound and proper discretion. Either this variation from the principle adopted last year was a real concession, or it was a colourable one. Was it, then, real concession, restoring to popular control an officer who had to appoint the juries in Ireland? If so, he held in his hand the solemn adjudication of the House against it in a recent instance last year. The House of Lords in this very Bill inserted a clause which gave the present clerks of the peace and clerks of the Crown in Ireland, a life tenure in their offices. The House of Commons objected to that clause, and assigned a reason for their objection. He would read to the House the reason which had been unanimously adopted, and which he believed there was no ground to forego. The Commons objected to the Lords' plan and the reason given was "because such officers as are connected with the administration of justice in Ireland should be removed from local influence, and placed directly under the authority of the Crown." Here was the recorded unanimous opinion of the House of Commons. Again, therefore, he asked, was this a real concession, restoring the sheriff to popular control in defiance of the opinion of Parliament, or was it merely a colourable one? Was it an act of tame submission to the hon. and learned Member for Kilkenny? It was an attempt to deceive the public or an attempt to deceive one who would not be deceived, to satisfy one who would not be satisfied. He should have gone further into the details of the question if the evening had not been so far advanced as to preclude the possibility of doing so with propriety. He could have shown how tolls—one of the most fertile subjects of grievance in Ireland—was kept up in all the obnoxious integrity by it; and then he could have compared with it the plan of his noble Friend, which went to abolish them all. The commissioners even of the Government itself, who reported on the corporations, with Mr. Sergeant Perrin at their head, had pointed out the propriety of abolishing tolls in the strongest manner. They said, that "The tolls were excessive and unreasonable in their amount and exaction; and that the schedules laid them on the smallest articles coming into towns; all of which was a great hardship on the people, and especially bore with severity on the poorest." Then were tolls set down by the Corporation Commissioners themselves as one of the worst grievances of corporate cities; and yet the Bill of the noble Lord opposite, which affected to remedy all grievances in corporations altogether, omitted to notice that crying one. The Commissioners then went on to say in the same report, "That these tolls were often unjustly and illegally enforced, and were as often resisted by violence and tumult." Thus the law was transgressed on both sides. On the one by an illegal assertion of rights which did not exist, and on the other by an illegal resistance to wrong; through which means commotions and bloodshed ensued, unhappily not of unfrequent occurrence in Ireland. The noble, Lord the Home Secretary, admitted that there was a great analogy between the Bill before the House and the Bill on the Poor-laws—that was between the subject of both. Now what did Mr. Nicholls say in his report on the state of the poor in Ireland? He said in substance that he did not believe there were the means of constituting boards of guardians in that country, and the noble Lord, in corroboration of the correctness of that belief, gave the central board the power of suspending such of the boards of guardians as they thought fit. Mr. Nicholls went still further, for he stated that he believed the mode of electing a board of guardians for the poor by the popular voice would be at present dangerous in Ireland; yet the noble Lord proposed in the measure under discussion to confer all the power upon the popular body. How did he reconcile the discrepancy? The noble Lord, the Secretary for the Home Department, in moving the other night for leave to bring in the Poor-law Bill for Ireland, gave no very flattering picture of the present state of that country; he described the want of education—the lawless habits—the marauding mendicancy that prevailed there; he described it as a country overrun by marauders and mendicants. He went on to tell of ejected tenants returning with multitudes, and even with arms, to recover possession of their holdings; and it was in the recollection of the House how the noble Lord illustrated that by an example. He told a story of an ejected tenant, the morning after his ejection, again appearing on the land to resist the entry of the new farmer, and being armed, actually fired a shot at the tenant; fortunately it did not take effect, but with the other barrel he fired at the tenant's servant, and killed him, while multitudes were present aiding and abetting him. Such was the description given of the present condition of Ireland by the noble Lord, the Secretary for the Home Department; but he would read to the House something still more curious, and which well merited the attention of the hon. Gentlemen opposite. The House was perhaps aware that Downing-street had lately brought forth a pamphlet. The Foreign-office had been in labour, and was safely delivered, and he held the bantling in his hand. It was christened — they might guess who were the sponsors on the occasion—"The policy of England towards Spain." Now in this pamphlet it was attempted, if not to defend, at least to gloss over, those atrocities which disgraced and disfigured the civil war in Spain. The murder of the mother of Cabrera, for instance, the assassination of Quesada, and many other such dreadful atrocities, were disposed of in that spirit. But perhaps the House would like to hear the juvenile Whig speak for himself. Not only were the offences to which he had referred treated in the way he had stated, but actually—which perhaps they would hardly believe—a comparison was instituted between the present state of Spain, in which country civil war was raging, and the state of Ireland—very little to the advantage, he was sorry to say, of the sister kingdom. The passage ran thus: "Let us look at home—let us examine what happens here, under our own eyes, with every circumstance most favourable to the prevention and punishment of crime, and we may then form an estimate of the difficulties against which a Government of Spain, in its present state, has to struggle. Some of the provinces of Spain are larger than Ireland; but it may be doubted if in the course of a twelvemonth the balance of crime would not be against the sister island, and in favour of any province of Spain that might be selected. Yet, with all the authority of the law—with all the force of opinion—and with the long array of judges, magistrates, infantry, cavalry, and police, all well disciplined, all having a common object, how hard is it for the Government to exercise its functions, when the people, unfortunately, do not recognise their own interest in the suppression of vice and crime!" Was he then wrong? Had he overstated the case? Was there not a comparison drawn between Spain, where civil war was now raging, and the existing state of Ireland, and was not the assertion broad and distinct that crime was more rampant in Ireland because the people in that country took no interest in the vindication of law and the prevention of crime? While he had the pamphlet in his hand he might, perhaps, as well read another short extract. It was a portrait drawn by a master hand; it was meant to describe a Spaniard, but he was much mistaken if they did not recognise in it some prominent features of a character nearer home: "The Spanish monk is generally an illiberal and most illiterate person, of coarse manners, and not of a moral life, but he is well versed in low intrigues, in the management of the ignorant peasants about his convent, and in the conduct of most worldly interests: cunning, patient, persevering, bigoted, accessible to all, and having access to everybody, and by means of the confessional, of spies, of gossip, and by perpetually mixing himself up with the family affairs of his neighbour, he becomes most thoroughly well informed of what is going on." What was the reflection? "An army of such men, in a country like Spain, is sufficient to overturn an empire." If, unhappily, there should be an army of such men in Ireland, it was sufficient to overturn an empire. The hon. Member for Lincoln had been pleased to cite the conduct of Lord Grey's Government, with regard to political unions during the progress of the Reform Bill, as analogous to that pursued by his Majesty's present Ministers in regard to the National Association. But the hon. Gentleman had not taken the trouble correctly to inform himself of the facts of the case. But he would take leave to state to the House a circumstance which was distinctly within his recollection. He knew not what other Members of Lord Grey's Government might have done, but he could speak for Lord Grey himself. Lord Grey, in his place in Parliament, when the conduct of the political union of Newcastle, his native county, was brought under the consideration of the House of Lords, took the opportunity of saying that there was no circumstance connected with the history of the Reform Bill which gave him so much pain as the existence of those unions, and that nothing had tended so much to impede the progress of the measure; he also denounced them in strong terms as dangerous to the cause of the constitutional Government of the country. But did Lord Grey's Government stop them? It was said that no step had been taken to suppress them. That Government issued a proclamation warning the people of their illegality, and, at all events, no Mr. Pigott was selected from the ranks of any political union to be the favoured object of the confidence of His Majesty's Ministers. As he had already trespassed so long on their time, he would not refer more particularly to the appointment of Mr. Pigott, nor would he stop to inquire into the amount of the funds of the General Association, or the application of them, with respect to which, however, notwithstanding the boast they had heard, it did so happen that a letter of caution had appeared from the hon. and learned Member for Kilkenny. A motion had been made not only that the receipt of the money, but that the mode of its expenditure, should be published weekly. On this the hon. and learned Gentleman wrote a letter, in which he said, "The amount of the receipts you may publish; but with regard to the amount of the expenditure, I recommend to you the course which was adopted by the old Roman Catholic Association—by no means publish an account of the expenditure. Wait till the accounts are regularly vouched, and after the lapse of a year or two you may proceed to publish." But he would not stop to enlarge upon this matter, nor would he be tempted to debate the abstract merit of municipal institutions, because it appeared to him altogether beside the real question before the House. In the abstract, municipal institutions might be excellent; the real question was, though generally applicable, were they convenient to all forms of Government, and every condition of a people? Were they applicable to the present unhappy circumstances of Ireland? He conceived that nothing could be more certain as a general proposition, than that it was not proper in the abstract to refuse demands, which, in themselves, were right, because they might have a deep conviction that, if granted, they might lead to ulterior demands which it would be improper to grant, and necessary to refuse. That was good reasoning in the abstract; but as he had before maintained, so he maintained now, it was the high office of political wisdom to look to the consequences of what they were about to do. He did not pretend to cite the precise words, but the principle he alluded to was somewhere enunciated by Mr. Burke, in his most felicitous manner, He said, of all abstract rights, none is so clear as the right of self-defence. A sword is a weapon of self-defence. A man asks me for my sword; if I know that sword is to be drawn to cut my throat, I am a fool or a coward if I surrender it. So he (Sir J. Graham) said, in the abstract municipal institutions were good, but if he knew—if he were told beforehand that these municipal institutions were to be employed for a purpose which he considered fatal, to use the words of Mr. Burke, he should be a fool or a coward, if he gave those weapons to be employed for so deadly a purpose. It was come to this. He saw clearly and distinctly that the Protestant Church in Ireland was in the utmost danger. To those who considered "that harlot church," as it had been designated, a nuisance that must be abated, the cry of the church in danger would be a sound of cheering joy; but to those who regarded it as a great national good, which it was their sacred duty to maintain, the present aspect of affairs could not but occasion the gravest apprehension. And could he doubt that church was in danger when he had lived to hear a Minister of the Crown, and that Minister the Secretary for Ireland, talk of the rottenness of that church? Wherein consisted its rottenness? Not in its foundation—it rested on the rock of ages. Not in its bulwarks—the hearts of a million of brave men, who regarded it as their first duty to defend, and would rather die than betray it. But still he admitted there was rottenness in that church, and that rottenness, in his opinion, mainly consisted in the hollow, wavering, if not insincere, support, given to it by the ministers of the King—of that King who was sworn to defend and maintain the united church of England and Ireland in all its rights, privileges, and immunities. They had been prepared for

> "The rent the envious Casca made,"

but—

> "This was the most unkindest cut of all."

He certainly must say, not in bitterness of spirit, but from the bottom of his heart, he wished "an enemy had said this!" Ministers had declared against that church, and when Ministers had so declared, was it to be wondered that it had assumed a most formidable aspect? What the supporters of this measure ask for, concluded the right hon. Baronet, is justice to Ireland. We contend for justice to Ireland—justice to the judges of the land, whose sentences are reversed, whose feelings are outraged, whose opinions are rejected, whose judgments are reversed by the Lord-Lieutenant of the King—justice to the magistracy of Ireland, whose authority is impaired, as is proved by the fact, hardly denied, that turbulent violators of the law are placed in the commission of the peace, side by side with its accredited guardians and defenders—justice to the Protestant clergymen of Ireland, whose rights are overborne by open violence, whose property is despoiled with impunity, whose lives are taken in open day, and from whom the protection of the King's Government seems almost entirely withdrawn in face of the tyrannou hatred of the Irish people—justice to the freeholders of Ireland, who are overawed in their exercise of the elective franchise, by the constant interference of those priests who impress them with the belief that they hold in their hands the keys of heaven and hell; and who bring to bear upon their fears the terrors of the other world, and the pressing struggles of this — justice to the entire people of Ireland, by vindicating the majesty and supremacy of the law, with a hand of firmness, so that in progress of time, life may become more secure, and the rights of property more respected in that unhappy country. These, Sir, are our plans of justice. And when you shall have satisfied them, then, but not till then, we shall be prepared to consider the extension of popular privileges to that country, and to encounter even the danger of your "normal schools of peaceful agitation."

Mr. *Sheil:* The right hon. Baronet commenced his speech by saying, he believed he was regarded by this side of the House as a sectarian and a bigot; whether his speech was calculated to remove any such injurious impression, I will leave those who heard it to determine. I cannot help thinking that the right hon. Gentleman made use of language, in speaking of the Roman atholics, such as no Roman Catholics in this House have ever applied to the Protestant Church. No Roman Catholic in this House has spoken of the Church of England, or of the Church of Ireland, in language so derogatory as that which they have heard applied to them by a Member of that communion—as that which they have heard not with disgust, no such thing, but with a feeling of commiseration—with a feeling of commiseration and surprise that a person who once sat on this side of the House, and who was so strenuous and uncompromising an advocate for reform, that he defied all its consequences in Ireland, should on this occasion be so far led away as to utter the expressions which have been heard from him. Why did he speak of Spain? Why did he refer to the atrocities which have been committed in that country? Why was Cabrera's, why was Quesada's, name introduced? I will not call the right hon. Gentleman a bigot, but he will pardon me if I call him a convert. On this occasion he has exhibited all that zeal and enthusiasm for which conversion—conversion be it—is proverbial. In the course of his speech, which was certainly an extremely discursive one, he did me the honour to refer to a speech of mine, and I must confess he spoke of me in terms which were most complimentary. I, in return, must say, I hear him always with the most unqualified pleasure; he is in heart most generous and humane, and his tongue carries conviction to the mind. I remember an instance of this in a speech made by the right hon. Baronet at Cockermouth—a speech in which there was some reference to a recreant Whig.—[Sir *J. Graham*: That was a long time ago.] Well, no matter; I don't know how long it was ago. Sir, in my opinion, this measure before the House must be granted. In saying this, I assert no more than was said, I believe the night before last, by the noble Lord who sits behind the right hon. Baronet. The noble Lord said, Municipal Corporation Reform should not be granted to Ireland. I say it shall be granted. The right hon. Baronet has also referred to a meeting which was held at a place which he calls the Lichfield House of Commons. He described the result of that meeting as a compact between two parties. I have already stated the expression I used with respect to that meeting—I said that there was then formed "a compact alliance." But if you are to hear of the Lichfield House of Commons, do you remember that in 1831 there was a meeting at Brookes's Club? Does the noble Lord, or the right hon. Baronet remember that then there was an assemblage of Irish Members, who had differed from the Government, and who were called upon by that Whig Government to forego their differences, and enter into "a compact alliance" with them? The noble Lord and the right hon. Baronet were Members of that Whig Government. The right hon. Baronet shakes his head, but there is nothing in it. All must recollect the course taken by the noble Lord on that occasion. The noble Lord in a paroxysm, I will not say of after-dinner oratory, delivered one of the most powerful speeches I have ever heard against the very persons with whom he is now operating. I have not adverted to this subject from any malevolent purpose. But have I not a right to advert to it? Is Lichfield house meeting to be made the subject of discussion in this House, and out of this House—and is a meeting at which the noble Lord took so conspicuous a part, not to be made the subject matter of debate? Is the one to be fair game, and the other to be prohibited? If you are disposed to do justice to Ireland, do justice at least to the person who is now speaking to you, and who will break through no rule of decorum in his address to you. The right hon. Baronet in the course of his address to you, proceeded to comment on the General Association. Now I think that he ought to feel that this was dangerous ground for him to tread upon—if not for himself, at least for his existing associates. You talk of that Association. How long ago, I ask, is it since the right hon. Baronet, the Member for Tamworth, when called upon to form an association, selected as the objects of his special favour, the members of an association which has since been denounced by the House of Commons? The hon. Member for Sligo, the treasurer of the Orange Society, was promoted, the treasurer of a society that tampered with the army. Have we not evidence of that? Has not the evidence been produced in this House that the Orange Society was in communication with the army? Was there not the declaration of the Duke of Cumberland, that he was unacquainted with the fact? Is there an Orangeman in this House—is there a Gentleman in this House—who can deny that the proofs were afforded to us, that warrants were issued to the army? Will that be denied?

Colonel *Perceval*: Yes, I deny it. I wish to state distinctly, that I did not say that warrants were not issued; but I did and do say, that the army was not tampered with.

Mr. *Sheil*: We do not materially differ. In fact, what I insist on is this, that warrants were issued to the army. We have that in the printed reports; we have it, too, stated there that Mr. Boyton moved that warrants should be sent to a particular regiment. We have abundant evidence of the fact, and in consequence of that evidence Lord Hill issued an order to the army. I entreat the hon. and gallant Gentleman opposite (Colonel Perceval) to believe that, if I refer to him, it is in no spirit of unkindness. I fairly and frankly tell him that I do so, because Mr. Pigott being a Member of the Association has been so much dwelt upon by hon. Members on the other side. I point then, to the hon. and gallant Member who was promoted by the right hon. Baronet, the Member for Tamworth. I shall only advert to another—Lord Roden, who was also raised to a very high office; he is, I admit, an individual of the highest respect, but a Member of the Orange Association. Surely, then, when the Tories make charges against the present Government for promoting Members of one Association, they ought to recollect that they dwell in so fragile a tenement that they cannot with impunity incur the danger of a tile being flung upon the roof of their place of refuge. So much with respect to one Association; but then the right hon. Baronet has adverted to other Associations—to the Birmingham Union for instance. What, I ask you, is the reason, if you now condemn these Associations, when Lord Brougham addressed the Birmingham Union, at the time they passed a resolution to pay no taxes—what is the reason that the right hon. Baronet and the noble Lord did not resign—why did he not then refuse to hold office with his then colleagues? Let the right hon. Baronet beware—we have not forgotten his public life, though he may have done so. He and the noble Lord who sits beside him have taken as strong a course in the excitement of the public passions as any one of the agitators who are now the objects of their denunciation. I shall not go into the details connected with Ireland. There is only one point to which I mean to advert—the Government of Ireland—as materially affecting this question. The appointment of Mr. Cassidy as a magistrate is a matter of so little consequence, that it ought not to be mixed up with subjects of national importance. I will tell you what is my view of the matter, as connected with the conduct of the Irish Government, and which I regard as of great importance. The Irish Government is acting on a peculiar policy, and the question is, will the Legislature adopt a similar policy? Has the Irish Government succeeded? Has it produced peace in Ireland? I can produce you strong authority on the subject. I have not the means of referring to official details; but I refer you to Mr. Howley, a gentleman who unites in approbation of his conduct the applauses of the Radical, the Agitator, and the Orangeman, and who has received an unanimous vote of thanks from the magistracy who witnessed his conduct as an assistant barrister. I find in his charges repeated statements made of the tranquillity produced in the county Tipperary; and by a return from the clerk of the Crown for the same county I find that where 111 were formerly tried at the Nenagh sessions for riot, in the last session there were only two. Then I ask you, has not the policy of Lord Mulgrave succeeded? What has he done? He has laid to rest that question which you regard as the truly dangerous one. Who has heard in our public assemblies in Ireland the repeal of the Union made a subject of discussion; or if introduced, but incidentally glanced at—a question which, if not dead is dormant? I have not uttered one syllable on the subject; but this I say, that if justice is denied to us here, we have a right to ask for the repeal of the Union; and I wish to show you that this sentiment was uttered by the noble Lord (Stanley) on the opposite side of the House. What is justice to Ireland? Let us examine the question calmly, as such a subject ought to be examined. What is justice to Ireland? And will it not help us in determining that question to ask what is justice to England? The Test and Corporation Acts were at one time regarded as defences to the Church—through them the corporations were regarded as the bulwarks of the Church; and Mr. Canning felt this so strongly that in 1827 he refused to repeal the Test and Corporation Acts. The right hon. Baronet (Sir Robert Peel) refused also to repeal them until he was forced to do so: he had not experienced then the process of soft compulsion which he has since been undergoing, and which I have no doubt he will yet be compelled to submit to. The Test and Corporation Acts were then repealed; but by means of the machinery of self-election in the corporations the people had not the benefit of them. What was then done? The House of Commons came to a resolution that the corporations in England should be placed under popular control; and the Lords did not think fit to reject such a proposition. Do not the corporations, then, which are now made to apply to the Irish Church, apply in a still greater degree to England? In Liverpool the effect of the Corporation Bill had been to transfer power from one party to another. In Liverpool the Tories have been completely prostrated; and the people of Liverpool, struck with admiration of the system of education given by the noble Lord opposite, to Ireland, and this, too, notwithstanding the violent remonstrances of the noble Lord himself against such a course, have adopted it in Liverpool. I do not know whether the noble Lord has not also changed his opinion about his own system of education. You then find the transference of power from one party to another. I should be glad to know if, on that account, Liverpool is to be deprived of its corporate rights? Corporations were considered the defence of the Established Church in England, and yet to England corporate reform has been conceded. What, then, was the course pursued with respect to emancipation? I have now to refer to the right hon. Baronet, the Member for Tamworth; and I beg of him to understand that I do not mean to say anything which can be in the remotest degree offensive to him. I submit to him—I beg to remonstrate with him in language respectful as it is earnest—whether he is not bound to fulfil the compact with us that he entered into upon that occasion? Did he wish to exclude Roman Catholics from corporations when the Emancipation Bill passed? In his address to this House he admitted the pressure which my hon. and learned Friend (Mr. O'Connell) had subjected him to. He declared that Roman Catholics were to be admitted into the corporations—to every office in those corporations. Does it stop there? The Emancipation Bill contains two clauses respecting Roman Catholics being admitted into corporations, and providing that they should be admitted into every office. Were you sincere in that declaration? No doubt you were;—the promise you made was to the heart;—you did it unwillingly, but you did it honestly. Can you approve of the course which the Irish Orangemen have pursued? From that day to this—mark it! Englishmen!—from that day to this, despite of that Act of Parliament—despite of the declaration of the right hon. Baronet—not a single Catholic—I repeat it—not one has been admitted into the corporation attached to the metropolis of our country. Do you approve of that? You do not. Will you then now, as the opportunity is afforded to you, carry emancipation into effect? Will you do it? Do you repent of having sanctioned part of the Act of Parliament? Was that the compact? Was it to be a dead letter? Will you permit the law to be still evaded by the Orangemen of Dublin? You tell me that you fear for the Established Church. Why, you had that fear before you when you passed the Emancipation Bill. You had all the arguments, all the danger, all the evils, and you saw those evils as clearly as those who remonstrated with you. You tell me you have fears for the Church. I shall not use any warm language with respect to that Church. If that Church be, as it is said, built upon a rock, it is a very hard one. We are told, too, that there are millions of men ready to die for it. If it will afford martyrs, many of them are as ready to insult and put to death others, as well as suffer such themselves. I will not suggest one word against that Church; but, admitting it to be the asylum of truth, I still cannot but think it unfortunate that that Church is made the plea for refusing every concession. If we ask for the remission of a severe and grievous impost, you answer, the Church—if we ask you for any benefit, you answer, the Church—if we ask you to do justice to Ireland, and make perfect the Emancipation Bill, you still answer, the Church. You say we must have the same Church in both countries; but you cannot have in both the same Corporations, because the same Corporations and the same Church cannot exist together. Then the Church of eight hundred thousand is to be maintained, and the Corporations of seven millions to be refused. I come now to the course which was pursued on the Reform question, and the observations I have to make cannot be at all applicable to the right hon. Baronet. The Tories stood forward as the opponents of Reform—they objected to Reform being conceded to Ireland. They said that Reform would annihilate their power in Ireland; that "the Roman Catholics would not only drive them from the guns, but turn the guns against them." This was the language of the Recorder of Dublin, and of every other Irish Tory who spoke on the subject. What did the noble Lord then say of the cautions that were thus given by those with whom he was now sitting? Here is the language of the noble Lord. Citations, I know, are not favourably received here; but when the right hon. Baronet spends the recess in groping out speeches—when he even refers to Cabrera's mother—surely a person may be excused for reading such a document as this. It is very short. I begin with a paragraph referring to the Irish Members. The extract is taken from volume 17, page 2278 of *The Mirror of Parliament.* Lord Stanley thus speaks—"I call upon those who are for Reform in England, to look back, and consider what has been the conduct of the Irish Members with respect to that Bill." We certainly carried the Reform Bill. A majority of English Members, a majority of Scotch Members, voted against it. We insured its success. I invoke, then, the people of England and the people of Scotland in this crisis to stand beside us. The noble Lord then proceeded to speak of Reform in England and Ireland. He said "If it be just here, so it must be just there." I entreat of the advocates of the Conservative interest, and those who consider themselves the supporters of Protestant institutions, to look at the danger to which those institutions are exposed. By withholding the privileges which this Bill confers, you will give to Ireland a real substantial grievance. It will give a handle for agitation—a great argument for the repeal of the Union. Do not let them say that in the House of Commons English interests were treated one way, and Irish interests in another—that in England public opinion is attended to, while in Ireland the public voice is stifled. I, for one, cannot conceive how, in a spirit of fairness and justice this can be done. Agitation will break out, and in a manner that it has never done before. I cannot conceive that anything can be more clear than that there ought to be an extension of the English Bill to Ireland. I cannot conceive how we can refuse to treat both countries equally, and make the same principle applicable to all the Members of the empire." Now the right hon. Baronet speaks of fears for the Church, and shows distinctions between the two countries. If the right hon. Baronet (Sir Robert Peel) who sits on his right hand will do me the honour of adverting to anything I say, I hope he will have the goodness to extricate the noble Lord from his difficulty; and certainly it will require all the consummate dexterity for which the right hon. Baronet is so conspicuous to serve his Friend, for he certainly is now in need of it. Is it not, after all, a painful thing to see the man who uttered sentiments like these—whose principles were so advocated—is it not a lamentable thing to see him occupy his present position? He will forgive me for saying, that it is more with a feeling of mournfulness than resentment that I see him where he is. It is melancholy to see him where he is; and the pain is aggravated by the tone and character of the speeches he has lately addressed to this House. The man who speaks thus, or who uttered such language amid the acclamations of those who heard him, that is the very man who tells the people of Ireland that they never shall have corporate reform. [Lord *Stanley:* No, no.] If he did not say so I beg the noble Lord's pardon. What did he say? If he recals the phrase I am satisfied. [Lord *Stanley:* I never used it.] It is enough. I admit I was not in the House when the expression is alleged to have been used. I unaffectedly retract every phrase I used under the impression that the expression was used by him. I understand from the noble Lord he did not use the expression.

Lord *Stanley:* The hon. and learned Gentleman has made a personal attack upon me.

Mr. *Sheil:* No, no! not a personal attack.

Lord *Stanley:* What! no attack? The hon. and learned Gentleman has made an attack on me, knowing that I have not the opportunity of answering him. I do not complain of this; but as he does ask me to explain that which he had not the opportunity of hearing, and yet to which he is replying, I beg to tell him that I did not use the expression that the people of Ireland should not ever be put in possession of corporate reform; but I stated this, that while the Irish Church was subject to danger, and while the General Association was using threats and intimidation, that the more these threats and intimidation were used, the more would the people of England be determined that they should not have what they thus demanded.

Mr. *Sheil* resumed: The people of Ireland relied upon the principles contained in the speech which I have just read. The noble Lord complains that I am making an attack to which he cannot reply. The noble Lord knows perfectly well that although I feel myself, and I speak most unaffectedly, most conscious of my inferiority to him in point of talent, I have never shrunk once when my public duty called upon me to assail him, whether he had a reply or not. I must appeal to the House whether I have made an attack on the noble Lord. I would rather say that there is that in his own breast which reproaches him more than I can do. I stand here, in a constitutional point of view, the noble Lord's equal. The noble Lord knows it. I respect his rank, I respect his talent, I lament his opinions. Let me add that the noble Lord himself is not characterised by mercy to his opponents. No man fears an operation so much as a surgeon. I have always heard that the drummer of the regiment has the greatest terror of the lash. I will now show the reasons why the "No Popery" cry, which is attempted to be raised, cannot succeed. I wish to show that this question must be carried. We have carried Catholic Emancipation, not against the noble Lord, but against the right hon. Baronet beside him (Sir R. Peel). The right hon. Baronet is as good a debater as the noble Lord, and the right hon. Baronet has discretion, he has great personal influence, and a great hold on the feelings of his country; and with his resistance, which was as immediate and as strong as that opposed by the noble Lord to the present measure, we carried Emancipation. We did that by union, by organization, and by an associated power; we carried it by the Clare election. I beg leave to ask the noble Lord whether, with our power now trebled, we are not able to carry on the immediate result of reform? Let the noble Lord look around. You see the national power: you see Ireland advancing with rapidity in the march of improvement; you see her spirit of union, her intelligence, and, we have to thank the noble Lord for it, her education; you see the character of Ireland gradually changing; you see something of British thought; you see us not only free, but we feel as if we had never been slaves. I may say, without exaggeration, that Ireland not only stands erect, but she looks as if she had never stooped. I may say that this improvement is general. I may point at the bar, and show the second judicial office held by a Roman Catholic. I may point to the Irish Attorney-General, and to many others, if individual cases are necessary, to illustrate the point. It may be regretted, it cannot be denied—the conclusion is irresistible. I say, then, that the Clare election carried emancipation. No! What carried it then? Is not the Duke of Wellington an authority, and has he not said that he could not help it? But if the Clare election contributed to carry that question, what power must we have now? How do we stand in this House? Sixty, at least the great majority of the representatives of Ireland act together as one man, our power is combined and confederated for one great purpose, and do you think that this power you will ever be able to put down? We are here, thank God, in this House. I remember the time when I occasionally obtained admission under that gallery, and I heard men who appeared as the advocates of the rights of Ireland—I heard them, whilst addressing the House, under the necessity of doing so as if in asking for liberty for Ireland they were soliciting alms. Perhaps it was necessary then to take that tone, but shall it be necessary again? We may be less eloquent, we may have less astuteness, we may have less wisdom and less erudition, but we bring to the advocacy of our rights, our hearts, and our hands. Though we may be deficient in the qualities of public speaking, though we may not be masters of diction, in our determination we stand unsurpassed. With this power you have to contend, and this you attempt to meet by raising the "no popery" cry. The noble Lord is not one that will do this, he will repudiate it; I am not telling him what he is doing, but I hope he will forgive me if I tell him what the Tories once did. The actors and the transactions to which I allude are now matters of history, and in speaking of them, therefore, make no reference to what can be painful to any individual. What I allude to occurred in

1807. I am not speaking of individuals, but of the party. That year found the Whigs in Downing-street, whilst the Tories were in possession of St. James's. The Whigs did no more than propose that Roman Catholics should be admitted to the army and navy. The Tories saw the opportunity and seized it, to work on the excited feelings of the people of England against their adversaries. What course did they take? They raised the cry of "No Popery!" On that key the Tories worked; the tocsin of religious warfare was sounded; they alarmed the minds of the people; in public assemblies noble Lords, not greatly distinguished for religion and morality, addressed the people in the most exciting language—"Rally round your King," they exclaimed in 1807! "Rally round your Church," "Rally round your Constitution." They appealed to the passions of the people—they got the Whigs out of office, and in eight years after they passed this very measure. Yes, in eight years they passed the very measure which they made such strenuous and discreditable efforts to obstruct. I ask you, are you playing the same game now? I do not say you are, but if you are, shame, shame upon you. Let the facts speak for themselves. Look at the language of the journals in your interest. Look at the papers containing the names of the subscribers for the publication of "Fox's Book of Martyrs," with the name of the Duke of Cumberland at the head of them. What was the language used at the Mansion-house in Dublin?—ay, at the Mansion-house, the seat of the corporation, and at a meeting at which the hon. and learned Member for Bandon (Sergeant Jackson) attended? What said *The Evening Mail?* Why, that the moment Lord Roden appeared there with Orange emblems, assuming an attitude of thoughtfulness, and exhibiting an Orange handkerchief, he walked up the room. Then, said *The Evening Mail*, there was a display of Orange handkerchiefs: then came peal after peal of the Conservative or Kentish fire. Does the right hon. Baronet, the Member for Tamworth, approve of all this? The right hon. Baronet does not, I am sure, approve of all this. The right hon. Baronet's speech at Glasgow was distinguished for its moderation. But the right hon. Baronet could not check this formidable display, although he might entreat for a forbearance to offer gratuitous insult to the feelings of the people of Ireland. But I am dwelling too long on this subject. I will come to the question. All we ask is simply justice. Can you reconcile it with common sense or justice, that I, who stand in this House as Member for the county of Tipperary, cannot be a member of the corporations of Cashel or Clonmel? The thing is monstrous. We ask for justice, and we will persevere in the assertion of our just cause. If the Tories come into power, they shall find us here; they will find us combined and confederated against them. We beat them before, and we will beat them again. What is our cause? I will tell you what our cause is. You took from us a Parliament. If you left us our Parliament, there would have existed in Ireland the same dominion over that parliament as the British people have over theirs. But you bought our House of Commons, and you paid for it in gold; ay, gold in its most palpable and sordid shape. You affected to enter into a league with us; and the head of the Administration of the time, the great minister of the day, by his classical references elucidated and illustrated that great unnational compact. Twenty-nine years had passed before this House took a single step for the purpose of carrying that contract into effect. At length Emancipation was forced from you, Parliamentary Reform came next, and Corporation Reform was given to England; and now, when we ask you for the same privileges which you exercise yourselves, you refuse them. Yes, that which you did not dare to refuse to the people of England, you have contemptuously denied to the people of Ireland. Is this justice? Oh, but there is an anxiety to do us justice. This is the language that has been always used ever since Strongbow first put his foot on the shores of Ireland. Yes; every Englishman to whom the Government of Ireland has been committed, professed the utmost solicitude to do justice. Even Strafford, the deserter of the people's cause—the renegade Wentworth, while setting his foot on the necks of Irishmen, declared his anxiety to do justice. I am not surprised at this, for the same influence now exists by which Strafford was influenced. But while all others professed to do justice, there is one amongst you of the most distinguished talent, and the most decided character. He is not a Member of this House; but he spoke at least with more frankness than others of his party. He does not profess to do justice to Ireland, he is above imposture, and part of the epitaph on *Chartres* is applicable to him. This distinguished person tells us, when making an appeal to the passions of the English people, he tells us—the people of Ireland—that in every particular by which strangers can be enumerated, we are aliens to this country. The phrase is certainly a remarkable one, and one which now belongs to history. It is one which must necessarily be the subject of fair and legitimate quarrel now, as it must be the subject of observation hereafter. I am not aware whether that phrase has ever been attempted to be explained. I know the phrase has never been distinctly disavowed. I know that the utterance of that phrase has not been denied, and with respect to the meaning of it, but little doubt can be entertained. I know that in this House, upon one occasion, immediately after that remarkable phrase had been uttered, I took the liberty —if it be one, I beg pardon—but I took the liberty of asking every one who held a conspicuous position on the opposite benches, whether he adopted the phrase or not? I remember more especially, the right hon. Baronet, the Member for Tamworth, on that occasion saying, that he was not responsible for any language but his own. The right hon. Baronet was in the painful situation of being in close connexion and association with a man, in whose expressions he did not think it judicious to express his concurrence. I am surprised that at the moment the phrase was uttered, the Duke of Wellington did not start up and say, that those aliens had done their duty. But the Duke of Wellington is not a man of a peculiarly excitable temperament; his mind is too martial for sudden emotions, but yet I cannot help feeling, that when he heard expressions so affronting to his country, I am surprised that he did not recollect how often in the field, and in the fight, the Irish Roman Catholics have been the auxiliaries of his renown. He ought not to have forgotten Vimeira, and Badajoz, and Salamanca, and Toulouse, and the last and most glorious conflict which crowned all former victories. I will appeal to the gallant and hon. soldier opposite (Sir H. Hardinge), I know he bears in his breast a brave and generous heart. Let him tell how, on that day, when the destinies of mankind were trembling in the balance, when the batteries, with fatal precision, spread slaughter over the field, and men fell in heaps—when the legions of France rushed to the fight, and, inspired by the voice of their mighty leader, rushed again and again to the onset—the gallant soldier opposite will tell you whether, in that last hour of thousands, the "aliens" flinched. And when at length the moment for the decisive charge arrived—when the banner so long closed was at length unfurled, he will tell you—when the mighty champion of that day cried out "Now, boys! at them"—he will tell you, for he must remember, whether the Irishman, the Catholic Irishman, hung back from the charge. No: he will tell you, that on that day the blood of England, Ireland, and Scotland was poured forth together—their children fought in the same field—they died the same death—they were stretched in the same pit—their dust was commingled in the same earth—the same dew of heaven fell upon the earth that covered them, the same grass grew upon their graves. Is it to be endured after this, that we should be called aliens, and complete strangers to that empire for whose salvation our best blood was shed.

Sir *Robert Peel* said, his wish was, at the close of this debate, to have confined himself exclusively to the consideration of the proper subject in question, to have stated briefly and simply the reasons why he could not concur in the arguments which he had heard from the opposite side of the House, to have refrained from any reference to the conduct of the Irish Government, although provoked to do so by the challenge of the noble Lord opposite (Lord John Russell), and to have treated this subject on its simple and proper grounds. But the hon. and learned Gentleman, by the personal attack which he had just made, for the purpose, not of convincing the reason, but of exciting the passions—of stimulating—he did not say with the intention, but with the effect of widening the national differences—had compelled him to depart from the course which he had prescribed to himself. He would ask, was it wise, was it prudent, was it just to ransack every past debate for every angry expression? Was every hasty expression that might have fallen from an individual in this way to be taken up at once, considered as matter of history, and handed down as evidence of national prejudice. Was the hon. and learned Member content to abide by the same rule? Did he ever hear that when the illustrious captain of that mighty field—as he designated the Duke of Wellington—that when he to whom life was nothing, staked the mighty reputation which he had gained by former victories on the field at Waterloo—when he stood there opposed to the legions of France, leading the united bands of Englishmen, of Irishmen, and of Scotchmen—did he ever hear that after the Duke of Wellington had rescued Europe by that great battle from the dominion of Bonaparte, and established the military fame and the peaceful security of his own country—did he ever hear of an Irishman who had so little sympathy for his country's glory, as to be able with all the opulence of his own peculiar vocabulary, to find no other appellation for the illustrious hero of Waterloo, than that of "the stunted corporal"? And if it were unfair to fasten upon words like these, uttered in a moment of irritation, of jealousy, or mortification at his country's triumphs, and at the fame of the most illustrious man his country ever produced, was it not equally unfair to select the expressions used by Lord Lyndhurst as irrefragable proofs of his hostile sentiments against the whole of the Irish? The hon. Gentleman had called on him (Sir R. Peel) to defend the conduct of his noble Friend, the Member for North Lancashire. The hon. and learned Gentleman had contended, and justly, that he had a perfect right at any time to make, on public grounds, any reference to the opinions and conduct of his noble Friend. But when the hon. Gentleman alluded to the meeting at Brookes's, the hon. Gentleman must have known that that was a matter in which he, for most evident reasons, was precluded from giving the hon. Gentleman any answer. It required no ingenuity, no knowledge of petty details, however, to defend the conduct of his noble Friend. What was it that had placed him in the position which he now held? What defence was required for his noble Friend? Why should he require deliberation to devise an ingenious justification for his noble Friend, when, from the facts which the hon. and learned Gentleman had himself stated, that justification appeared so palpable, so evident, as to occur at once to the mind of every man, be he friend or opponent of the noble Lord? What man was there, he repeated, who ever held in public life a prouder position than his noble Friend? What man ever attained, not by the advantages of connexion, or of rank, or of fortune, but by his evident abilities for debate and public business, and through the undivided confidence of a great party to which he belonged, what man had ever attained to greater or more permanent eminence than his noble Friend? What man was there more endeared to the persons with whom he had ever been connected? When his name was mentioned, was there any man who had ever been connected in office with him, who did not express the deepest regret at being separated from him, and a deep sense of the public loss which had been sustained by his quitting office? He (Sir R. Peel) was speaking to those who had been connected with the noble Lord in office, not those whose designs he had combatted. If love of office or ambition for official distinction had been the object of his noble Friend, was there ever any man who had such prospects open to him, such means of gratifying his wishes? What, then, made him relinquish office, but a stern and overpowering sense of duty? What, and what alone, had placed him in the position he now occupied? What, he demanded again, had caused his noble Friend to retire from office, to sever himself with feelings of the deepest regret from his ancient party, what object could he have had in view in so doing, but the highest and purest sense of public duty, which, being obeyed, had placed him where he was, in opposition to his former connexions? What he (Sir R. Peel) had thus stated on the instant, without any communication with his noble Friend, were facts well known to all mankind, and which he perceived were confirmed by the testimony of the former colleagues of his noble Friend; and after stating these facts, it did not require any ingenious dexterity or skilful advocacy on his part, to make out a complete and unanswerable justification of his noble Friend's conduct in quitting office, and taking up his present position. The hon. and learned Gentleman next applied to him (Sir R. Peel) to fulfil the compact which he said was entered into with him at the time of passing the Roman Catholic Relief Act. Let them see for one moment the exact nature of that alleged compact. The hon.

and learned Gentleman contended that this compact compelled him (Sir R. Peel) to apply to Ireland the same principle of municipal reform as that which had been adopted for England. Now, on referring to the Roman Catholic Relief Act, he found no such compact. He certainly found a compact to this effect—that Roman Catholics and Protestants were to enjoy equal eligibility to corporate offices. The hon. and learned Gentleman referred to a speech he made in 1831, when he gave his advice that Roman Catholics and Protestants should be admitted into the corporations according to their fair merits. There was no compact made that he was aware of, that the municipal institutions of Ireland were to be framed upon the model of those of England; nor, if it were shown that it would be better that those institutions should be altogether abolished, would there be any thing inconsistent with the Roman Catholic Relief Act, in abolishing them. This was not his single opinion only, for in a petition which had been presented to this House by the Roman Catholics themselves, anticipating the removal of every civil disability, the same view had been taken. The prayer of the petition to which he referred was, "that they would cause a reform to be made in the temporalities of the Established Church—that they should declare Orangemen to be ineligible as magistrates—that they should emancipate the Roman Catholics of Ireland—and that they should disfranchise the Irish corporations." So that at the time that the Catholics petitioned for the removal of their civil disabilities, it was not considered an insult to them that the municipal institutions should be retained in England, and should be discontinued in Ireland; but, on the contrary, it was expressly asked as a favour not to reform those institutions, but to abolish them altogether. He admitted, indeed, that at this period the corporations of England had not been reformed, and the Irish Roman Catholics had not these reformed institutions to contemplate; but still those institutions themselves existed in England, and the inference was the same. The hon. and learned Gentleman had relied on the Roman Catholic Relief Bill as a contract, the terms of which they were bound to fulfil. But did he not consider the Act of Union a solemn compact? The inference that must be drawn from the general context of that Act, supposed, implied, and evidently understood, that the protection of equal laws should be extended to Ireland This argument in support of the permanence of the municipal institutions of Ireland was an inference drawn from a supposed article in the Act of Union that the two countries were to be governed by a parity of legislation. There was no such article however, in the act; though he would admit that, generally speaking, the principle might be correct; but in the anxious search which the hon. and learned Genman had made through that Act, he wondered that that article had never struck him in which one institution was particularised, not by remote or doubtful inference, but in express and clear terms, and its existence guaranteed as a condition of the Act of the Union. The fifth article of this Act was as follows:—"That the churches of that part of Great Britain called England, and Ireland, shall be united into one Protestant Episcopal Church, to be called the United Church of England and Ireland; and that the doctrine, worship, discipline, and government of the said United Church shall be preserved as was by law established for the Church of England." Would the hon. and learned Gentleman allow him to ask him whether or not the uniform declaration of every Roman Catholic, whether every petition presented by a Roman Catholic, whether every declaration made by them, either individually or collectively, had not, with the force of a compact, led the Protestant mind of England to this conclusion, that the restoration of political equality to the Roman Catholics of Ireland was perfectly consistent and compatible with the maintenance of the Church establishment in that country? Nay more; was it not the express assurance of every Roman Catholic who had spoken on the subject, that the maintenance of the Established Church as the religion of the State was perfectly consistent with the political privileges and civil rights claimed by the Roman Catholics of Ireland? Did not the hon. and learned Gentleman himself once believe that such was the case, and that political privileges once granted to the Irish Roman Catholics, the causes of jealousy and disunion would cease, and the system of agitation subside? Did not the hon. and learned Gentleman himself once say—

before a Committee of that House—"that he was perfectly convinced that neither on the subject of tithes, nor on the Union, nor on any other political subject, would the people of Ireland be permanently or generally excited if the civil disabilities of the Roman Catholics were removed; that at present they were aggrieved by the state of the law, and that it was not so much on public grounds as by a sense of personal injustice that they were urged to complaints." The individual injustice here complained of was now done away with by the passing of the Roman Catholic Relief Bill; and the hon. and learned Gentleman himself boasted of the result of that measure, when he stated that the chief offices on the bench and at the bar in Ireland were now filled by Roman Catholics. From these circumstances it appeared that not only had a serious complaint of injustice been removed, but a practical equality established. Now he would ask the hon. and learned Gentleman, in pursuance of his express or implied compact, in the expressions he had quoted, whether he considered the present state of the Protestant clergy of Ireland to be consistent with the declarations he had made at the above period? They were now told that religious freedom could not exist in Ireland until the voluntary principle was established, or, in point of fact, until the Protestant religion was destroyed. [Mr. *Sheil:* I have not said that.] "You never said so?" But you asked me, continued the right hon. Baronet, to be responsible for expressions which had fallen from others, and to check the indiscretions of those who acted with me. And now, when I repeat a plain statement, the hon. and learned Gentleman had no other refuge but to say, "I did not say so, it did not fall from me." Was this, he asked, the promised fulfilment of the compact on passing the Reform Bill—that Ireland was never to be tranquil until the Protestant Church was abolished? The noble Lord (Howick) who spoke last night, had used certain expressions in reference to the part he (Sir R. Peel) had taken in the passing of the Roman Catholic Relief Bill, in the course of which the noble Lord had done him the justice to say that he thought that in the year 1829, in coming forward to remove the civil disabilities of the Roman Catholics of Ireland, he had acted upon disinterested motives, and with great courage in remaining in office as he did. The noble Lord had also referred to the taunts which had been cast at him by persons belonging to that party, by whom he had before that period been respected and supported. But the noble Lord, from his experience in public life, ought to know what was the value and weight of expressions of this nature, uttered under such circumstances. He regretted at the time the taunts thrown out on the part of friends whom he had every reason to respect, but the impression made by those remarks had long passed away; they had left no rankling wound, because he knew that the imputations were unfounded; and he could say, that there was no one act of his political life which he was more prepared to justify than remaining in office, in spite of such imputations, for the purpose of relieving the disabilities of the Catholics. The part which he took on that occasion was approved of by his colleagues; he had the concurrence of the Duke of Wellington, and also the concurrence of his noble Friend, Lord Lyndhurst, on the subject of granting Catholic relief; and acting in concurrence with them and with the rest of the Members of the Government, he resolved to lend his assistance in carrying the measure into effect. Much public indignation had been expressed against his conduct, that at the close of the Session of 1828 he had not adopted the views which he adopted in the following years; and in answer to that he would say, that after renewed applications—after reflecting on the desire evinced by the public mind in England and Ireland, and on the impossibility of forming a united Government without conceding the question—he came at last to the conclusion, that though he did not consider the claims founded on right, it was better that those claims should be granted than resisted. But when he gave his consent to advocate the measure, he gave it under the full conviction of the sacrifices with which it was to be accompanied, and under the full impression of retiring from office, and supporting the claims of the Catholics in private life. And the reason why he remained in office was because he foresaw to demonstration, that if he did not remain in office and brave the storms of calumny (he did not say that from any arrogance, but because it was consistent with truth), these disabilities would not have been removed. An erroneous construction had been put on something which had fallen from him, and it had been inferred that he had been out of office from an unwillingness to redeem the pledge he had given to his noble Friends with respect to the Catholic question; and that a difference of opinion had existed between them. Such was not the case; for, having come to the conclusion of the expediency of conceding the Catholic claims, and having given notice of his intention to bring forward a measure on that subject, he never once thought of shrinking from the performance of that task. But the noble Lord opposite, while admitting that his conduct on that occasion was free from the suspicion of interested motives, asked why he did not take the same course with regard to the Catholic question in 1825 and 1827, as he had done in 1829, and how it happened that at that latter period an entirely new light broke in upon his mind? Now, he declared that he, for one, never professed to entertain in 1829, the sanguine expectations which others entertained with regard to the effect which would be produced by the removal of the Catholic disabilities. He had his misgivings; nay, looking to the state of Ireland, he entertained great doubts whether the removal of those disabilities would restore peace, and afford full security for the Protestant Establishment in that country. But in 1829 he made up his mind upon a consideration of what ought always to have influence over every statesman, upon a comparison of the evils and dangers existing on both sides, and on the whole he came to the conclusion, without the assistance of any new light, and without changing his opinion, that the Catholic claims were not founded on any abstract right, he came, he repeated, to the conclusion that those claims ought to be conceded, and that, if conceded, the concession ought to be full, frank, and generous. The noble Lord opposite asked, why he had not taken the same course at an earlier period? The same question might be put to many other public men. Would the noble Lord have the goodness to ask the noble Lord, the Secretary of State for the Foreign Department, why he was not an earlier convert than he had proved to reform? He had no doubt the noble Lord was an honest convert, and that, acting with regard to the question of reform on the same principles as he had acted with regard to the Catholic claims; he had chosen what he considered to be the lesser of two evils. Would the noble Lord opposite inquire of the head of the present Administration, why he, too, had not been an earlier convert to reform? If it were blindness in him not to foresee in 1825 the necessity of granting—of conceding the Catholic claims, was not Lord Melbourne blind in 1826, when he made the most vigorous opposition to all reform, even to the transfer of the Representatives from Penryn to Manchester? Nay, even the leader of the House of Commons could not escape the searching question of the noble Lord, his colleague. Had a prophetic vision of what was now passing appeared to the noble Lord some ten years ago, he doubted whether any eulogium on Old Sarum, or any declamation on the necessity of preserving Aladdin's lamp, and cherishing the vestal flame, would ever have proceeded from the pen of the noble leader of that House. He knew not what answer the noble Lord might return to the question, why he had changed his course with respect to the question of reform, but he would freely reply to the question which had been addressed to him on the subject of the Catholic claims. He thought that a man might, without any irrational distrust of the Roman Catholics, have entertained conscientious doubts on the question, whether the removal of the political disabilities of the Roman Catholics would restore peace to Ireland, and secure the stability of the Established Church; and the hon. Member for Liskeard was not justified in saying, that he had been, on a former occasion, carried into office by the force of the "No Popery" cry, if the hon. Member meant to imply that his opposition to the concession of the Catholic claims proceeded from any bigotted motive. He feared danger to the Protestant Establishment. Had he been entirely wrong? He would, however, say, if the question were to be discussed again—if the question carried in 1829 were again to be agitated—looking at the position of parties and the state of public opinion, looking at the hostile elements, the parties in favour and those opposed to emancipation, he should on the balance of opposing evils do as he did before, and resolve that concession would be the wisest course. But had he no reason to relinquish all the fears which he might once have entertained of the danger of conceding the claims of the Roman Catholics? Did he not find that all the public men who appeared as the advocates of the Roman Catholics—all, without exception, made two declarations—first, that they considered the maintenance of the Established Church essential to the well-being of Ireland, and to the maintenance of the connexion between the two countries; and secondly, they gave the most positive assurances that, the disabilities of the Roman Catholics being removed, all fear of danger to the Established Church would be removed? Did not he find those declarations solemnly recorded in the preamble of Mr. Grattan's Act, by which it was proposed to remove the Catholic disabilities? The preamble of that Act declared, that "the Episcopal Church of England and Ireland, and its doctrine and government, were permanently established, and that it would promote the interest of the same, and strengthen our free constitution, of which they formed an essential part, if the disqualifications under which the Roman Catholics laboured were removed." Had he not heard Mr. Grattan declare, that he thought the removal of the Catholic disqualifications consistent with the preservation of the Protestant Establishment, the maintenance of which he considered essential to the peace of Ireland? Did he not find it written in that paper, which that eloquent individual called a testamentary bequest to his country, that the Protestant Establishment should be maintained inviolate? Did not Mr. Canning, Lord Castlereagh, and every advocate of Catholic relief, attempt to banish all fear with regard to the result of the removal of the disabilities? When he (Sir R. Peel) had at an earlier period than 1829 stated his apprehension, that by the passing of a Catholic Bill, animosities would not be subdued, that distractions would still continue, and that the stability of the Church would be endangered, how was he then replied to by Lord Plunket? That noble and learned individual stated, that the Catholics, though they preferred their own religion to any other, looked upon the Protestant Church as an institution established by law, and necessary for the liberty of Catholics along with all the subjects of the realm. And what said the same authority with reference to the Church of Scotland as a precedent for subverting the Protestant Church in Ireland? He said, the assertion that the establishment of the Presbyterian Church in Scotland could form a precedent for the subversion of the Episcopal Church in Ireland was laughed at by the Catholics, because they knew that the Presbyterian religion was the reformed religion, and it was so ordered by the solemn contract entered into at the Union, that the maintenance of the Protestant religion should form a permanent law of the empire, and added, that the Catholics considered the clergy of the Established Church were as much entitled to the possession of Church property as private individuals were entitled to property purchased or devised, and that he would abide by the oath he had taken, and so far from adopting measures for the subversion of that Church, he would offer the most strenuous resistance to those that would overthrow it, from whatever quarter it came. That was the language of Lord Plunkett; and was it not rather late now to say, that religious freedom could not exist unless the Protestant Church were destroyed? Was it not rather late to say, that the Protestant Church was the greatest curse, and to rejoice in the prospect of establishing municipal corporations in Ireland, because these would certainly lead to the overthrow of that Church? Those who held that language might have been no party to the carrying of the Catholic Bill, but he who was instrumental in carrying it—who believed that there was danger in it to the Established Church, who believed that the maintenance of that Church was essential to civil rights and liberty. Was he to be blamed for asserting the principle for which he had always contended; and were they to be surprised if, after the assurances that had been made of the determination of the advocates of emancipation to support that Church, that he should now do every thing in his power to protect what some called a curse, but what he called the greatest blessing? And if he were told, that the establishment of these municipal institutions were subordinate to the destruction of the Protestant Church in Ireland, and that they were to be used as a means to subvert it, was he to blame for not acceding to the Bill till he knew what security they would give against its subversion? He did not oppose the measure on the ground imputed by some. He did not cast any reflection upon Catholics; his only object was to take care, as it was the duty of every Government, that institutions should be established which would be conducive to the peace of Ireland and the impartial administration of justice. The hon. Member for Liskeard had argued the propriety of discussing the abstract principle of the measure, and he concurred with him in thinking, that by adopting such a course they would have arrived at safer conclusions, but they had been led away from that by the indiscreet challenge of the noble Lord who brought forward the measure. The hon. and learned Member had also contended, that these municipal institutions were of great use in former times, and on that point he entirely concurred. He agreed that in the eleventh century the municipal corporations in France and Italy, and Spain, and almost every country in Europe, were great instruments of improvement. In those times when the great body of the people were vassals to the Crown, or to great Lords, there could be no doubt that municipal institutions were a great blessing; but it did not follow, that because they were good in the reign of Louis le Grand, or when a man could not dispose of his property, or give his children in marriage without the consent of his superior, they were equally good in more civilized times. And besides these there were other causes of civilization at the remote periods alluded to. There were the Crusades. The Crusades improved the manners and enlarged the views of the people. They opened the avenues to commerce, and removed many turbulent noblemen from the different kingdoms of Europe. He referred to those, and he might refer to other causes, to show, that it was not necessary to attribute the progress of civilisation to the sole cause to which it had been ascribed by the hon. Member for Liskeard. The hon. Gentleman then proceeded to talk of the confidence which ought to be reposed in local authorities. He said, that the right of paving, of watching, of lighting, ought to be placed in local authorities; and had referred to the Act of 9 Geo. 4th, on the subject. The hon. Member for Liskeard was also desirous for the establishment of municipal institutions in Ireland, because he said they would inculcate lessons of mutual forbearance and concession. If it could be proved, that such was likely to be the result of the creation of corporations in Ireland, his (Sir R. Peel's) objections to the Ministerial proposition would, in a great measure, be removed. But when he saw the maintenance of political institutions, which all admitted to be perverted, was insisted on, he then suspected that it was the object of the promoters of the present proposition to get hold of political power for their own benefit, and to exercise it through the instrumentality of those corrupt bodies, the existence of which was so strenuously advocated, but to which he was opposed, because he believed they would continue to be perverted to bad purposes.

> "Quo semel est imbuta recens, servabit odorem
> Testa diu."

He feared it was because of the sweetness of the odour that they wanted these corporations. But there was one question from which those who advocated the necessity for these institutions had invariably shrunk from answering — namely, the question, "why they were not in operation in the great towns in England?" Why had not Manchester, Birmingham, Marylebone, and many others, petitioned the Legislature to grant them these so much coveted institutions? The truth was, that Manchester and Birmingham, and the boroughs of Southwark, Westminster, Marylebone, and Finsbury, were satisfied with their present condition, and municipal institutions, such as Ministers proposed to give to Ireland, were not considered necessary by the inhabitants of those places. In Ireland, he did not think they would be found, as the amiable simplicity of the hon. Member for Liskeard supposed, conducive to mutual goodwill, concession, and forbearance. It was much more likely they would be under the control of that species of central government, the General Association, and would constantly interfere with the elective franchise; and the result would be, that the ascendancy of one political party would be effected, while all confidence in the administration of justice by the local authorities would be destroyed. In support of his argument, he might quote a passage from the Report of the Commissioners appointed to inquire into Municipal Corporations. They stated, that a great number of corporations had been preserved solely as political engines, and that the towns to which they belonged derived no benefit, but often much injury, from their existence; to maintain the political influence of a family, or the political ascendancy of a party, had been the sole end and object for which the powers intrusted to a great number of these bodies had been exercised. It appeared, then, that the most flagrant abuses had arisen from the perversion of the municipal privileges to political purposes, and that the corporations not possessed of the Parliamentary franchise had most faithfully performed their duty. But it was contended by the hon. Member for Bath, that in the present instance, there was a security against corruption and persecution on the part of the corporations in the circumstance that they would be the instruments of a majority. Surely, it would hardly be contended that it was impossible for a majority to persecute? Mr. Fox said, that the ancient republics, whenever danger was apprehended, did, by incorporating every man with the state, excite great enthusiasm in their defence; and yet, that such instances of iniquity, injustice, and oppression were never presented as were presented by those republics. Did the hon. Member for Bath consider the present position of the Church in Ireland as no proof that a minority might be persecuted? Had the hon. Gentleman read the history of the French Revolution? Were not the emigrants, were not the Girondists persecuted, and were they not the minority? Did not the hon. Member for Bath bear in mind that the government of Spain had confiscated the property of General Alava, and that it had lately sent a general into Andalusia with authority to proclaim, that every man who did not join him should be hanged—and was not that persecution? Would it be right, then, to establish the proposed municipal bodies in Ireland, the election of which would, in his opinion, be influenced by pacificators appointed in every parish, and acted upon by Roman Catholic priests? Pacification was, indeed, a noble object, but he did not think it most likely to follow from a transfer of authority from one section in the state to another, and certainly he had serious doubts whether it were conducive to religious peace, above all, that the transfer should be from a minority to a majority. He had been tauntingly reminded of the minority in which he was in that House, but what was his minority compared to the overwhelming importance of the question before them? He felt that it was more important to him to take the course prescribed by justice, than to enter into speculations concerning his minority—to look to the safety and the solidity of the Protestant Church, rather than to the insufficiency of his minority—to provide, in the first place, against his becoming an instrument of doing wrong, and not until he had made that provision to think of his minority. He never felt so satisfied of the justice of any cause as that of that Church, nor was he one whit less satisfied that the House was bound by all the obligations of honour, of justice, and of interest too, to provide for the security of that Church. The noble Lord had asked him, and with considerable anxiety too, which was not to be wondered at, as the noble Lord would soon have to ask the question of himself, what his intentions or designs were under the formidable circumstances which Ireland presented. Yes, the noble Lord would have to ask himself that puzzling question, when, with these Municipal Corporations in the fore-ground, he peered over the battlements of the Church, which he and his Colleagues were ashamed to abandon and afraid to defend. They pointed to the Association, and they asked him how he proposed to meet the power which was in open resistance to the Church, and which meditated a violence as open? Who had made the Association powerful—not he, but they. The existence of that Association was fraught with importance to the Church, for it had determined on the destruction of the Church, had resolved that in Ireland peace should not ensue until that destruction was complete. They were persons fond of secret determinations as to the benefits they might obtain; they never could be satisfied with what they got; they were always asking for more, and each new boon was an instalment only, a fraction of some greater claim. This was the way they had received the Appropriation Clause bestowed on them by that House, and this was the way in which everything else would be received. Now, he would ask them, did they think it possible, that if they selected their confidential legal advisers from out that Association, from among its most active members, they would disabuse the public mind of the impression that they approved of it, that they were anxious to encourage it, that they were desirous even of rewarding it? An effort at a retort had been made by the allusion to the appointment of Colonel Perceval, but was there no distinction between the cases? Did the House see none? Was there nothing in the existence of funds regularly collected, which, though now said to be kept sacred for a legitimate purpose, might be used to effect the perversion of justice? Was the man most active in the creation of such funds, which might be applied to defeat the law, to be appointed a legal adviser of the Government? The Prime Minister had declared, that he disapproved of the Association, and thought it ought to be discouraged—that was the declaration of a gentleman; but the mode of discouragement was a singular one. To discourage the Association, they gave office to a gentleman who had tried his 'prentice-hand in that Association; because he had graduated in the normal schools of agitation, they thought him fit to become a professor in Dublin Castle—they had actually created a vacancy for him. If that were their mode of discouraging, to him, it appeared anything but an efficacious one. They might think to limit the evils by the plan they were pursuing, but their turn would come next, their lukewarmness would fail them. He knew that it was difficult, and ungracious, perhaps, for a Government to exert its power to restrain, but it should not lend its power to incite or goad on those who were, or might become, disaffected; if it were so lent, then it was a perversion of power, and became a formidable encouragement. He did complain of such conduct as unjust, ungenerous, and impolitic; it was unjust to discourage one species of association merely, and from another to take an important functionary, whose duties as a lawyer for the Crown ought to be uninfluenced by the spirit of any association; it was ungenerous to avail themselves of the loyalty of Orangemen, to cajole them with praises of their love for their Sovereign and deference to his commands, to confess that the law could not reach them, and to obtain their ends from their goodwill, and then to turn round on them and call them a miserable monopolising minority; it was impolitic, for if a Government did not interfere to restrain, it at least should not interpose to encourage. When did the principle of successive concessions, of constant compliances, of a nervous horror of refusals, ever succeed? Never—it was revolting to common sense to suppose that it would. Such a system, if pursued in private life, would be most injurious to society; in official life, it was much worse, much more pernicious. Persons in official life, should recollect how great the interests were committed to them, and they should never interpose their authority, no matter what the direction of its exercise, to encourage, or to do acts tending to encourage, any party or political sect whatever.

Mr. *O'Connell* rose to bring back to the recollection of the House, who the claimants were in this case. The Irish people were the claimants before a legislature which was not Irish, and they asked only for that which an Irish Legislature would concede to them. He stood there an avowed Repealer; he stood there as one convinced that the Union should be repealed. He was, therefore, persuaded that the period had not arrived, and he feared it never would arrive, when a British Legislature would be prepared to do perfect justice to Ireland. Everything he had heard that night, and everything which he had witnessed, convinced him the more strongly that there was not the disposition on the part of a great portion of that House, nor in another place, as it was termed, to do justice to Ireland. And yet he saw sufficient to warrant him in not abandoning the hope that the Irish people would be able to obtain justice for themselves. But he should not be doing justice to those who opposed this measure, if he did not caution them against pursuing that conduct which might induce the Irish people to look to constitutional means for the restoration of their own Parliament. He would bring under the attention of the House the history of the connexion between the two countries. It was a fact admitted, that there was no country in the world which had suffered so much from another, as Ireland had from this. This country had had dominion in Ireland for a period of 600 years, and they were still to be deceived by professions and treachery; and now, at the end of 600 years, the British Legislature were as little disposed to do justice as if they were beginning their work for the first time. The Irish people had always claimed British institutions. In the year 1172, in the reign of Henry 2nd, that claim had been made; in the year 1200, in the reign of John, that humble petition was repeated; and, in the reign of Edward 3rd, in the year 1336, the question was taken into solemn consideration. This happened 500 years since; and, the Irish people were again to be deceived in the year 1837, though the King was disposed to allow them constitutional local government. But the great Lords declared it to be their interest, that Municipal Corporations, on the principle of those in England, should not be created. To the petitions, and the demands of the Irish people, the Government in England had persevered in their refusal to do justice. The excuses which had been made were, to be sure, various. At one time, the Irish were too numerous, and the British were too few; at another period, the English were too powerful, and the Irish too few in number; and, therefore, of course, it was safe to refuse their demands; at another period, it was said that the Irish people were hostile to the Government, and therefore they must be treated as enemies; at another time, it was said that they were friendless, and therefore it was unnecessary to do anything. And thus the excuses which had been made changed, and thus they had varied up to the present day. But the excuse, which hon. Gentlemen on the opposite side now gave was of far greater value, though that excuse had been given before. Last year they were told, that if they granted these Corporations, they would only become normal schools of agitation. Now, they had put their refusal on another footing; namely, that of decided bigotry on the part of the Roman Catholics. The right hon. Baronet, the Member for Cumberland, had read what he hoped was a slanderous, as it was a vicious, description of the second order of clergy in Spain, and he had ventured to insinuate the same thing as against the clergy of Ireland. "You have raised the no Popery flag," said the hon. and learned Member, "and under it you think to fight your way into office. Yes; I tell you the right hon. Member for Cumberland did not disguise it. He gave this excuse, to be sure, that if you granted Municipal Reform to Ireland, you would endanger the Protestant Church. What! does the Protestant Church depend upon doing injustice to Ireland? Is this your recommendation of Protestantism? In the first place, then, the Protestant Church cannot exist unless you tax those who have no concern in it for its support; and next, unless you deprive the people of the same rights as you yourselves enjoy." The hon. and learned Gentleman proceeded to say, that he rose for the purpose of distinctly stating that the people of Ireland, though they came forward as petitioners for that relief which had been given to England and Scotland, he was by no means prepared to say that their fates and fortunes depended upon the British Legislature. They were anxious to show, that the Legislature was capable of giving equal laws with the people of England and Scotland. But they knew full well, that seven millions of men never yet were outraged with impunity unless the fault was their own. The overpowering sentiment on his own mind, was the impossibility of getting such laws from a British Parliament, as they would get if the Irish had their own Parliament. It was said, that the Union was not founded on an equality of rights. If it had not been so founded, it was a fraud on the one country and an act of tyranny on the other. He desired to put upon record, his conviction of the necessity of looking to other means for redress.

Lord *John Russell:* The right hon. Baronet had accused the Government of cajoling the Orange societies in Ireland—of inducing them to abandon their Association, and afterwards allowing similar societies to be raised. He denied that charge. No intention whatever had been entertained of cajoling or deceiving any one upon the subject. But those Orange societies were exclusive in their character—they were formed of persons who were exclusively of one religion; and they were secret in their meetings and conduct. It was on that ground that he had asked them to dissolve; and, it was on that ground that they yielded, saying only that all other secret societies should be dealt with in the same way. Whatever might have been the grounds of the dissolution of these societies, he must own he could not see any resemblance whatever between the Orange lodges and the General Association of Ireland. The latter might be considered dangerous or objectionable in different ways; but it did not resemble those secret societies to which allusion had been made. Having said those few words as to the charge of the right hon. Baronet, he would beg to call the attention of the House to the question then before them, and this was a question for the Parliament of Great Britain as to what in future years should be their course with regard to legislating for Ireland. It was a question, whatever party might be in power, to decide what should be their rule and guide, and to discriminate what course it would be wise to pursue for the promotion of the interests of seven millions of their fellow-subjects, who were united to us, and were ready to apply themselves, as he believed, as cordially in the support of this great empire as any of the great body of inhabitants of England or Scotland. It did then become a great question to say, whether they should adopt the proposition before them, utterly to extinguish corporations in Ireland. He would not go over those arguments which had been so admirably put by the hon. Member for Liskeard with respect to corporations in general, because nothing could be more complete than the proof that hon. Member had given the House that corporations tended to invigorate those excellencies of a free character on which the government of all free countries must depend. The argument of the hon. Member for Liskeard had not been met—it had not been denied. But he must remark on one observation which had been made upon that speech by his noble Friend, the Member for North Lancashire, who, completely misunderstanding and misinterpreting the purport of that speech, stated, that the hon. Member for Liskeard had said that the great recommendation for instituting corporations was, that they might be made the engine for destroying the Church Establishment in Ireland. Now, the hon. Member's argument was, that where, by the establishment of corporations, they created a general interest in local matters, there the power and influence of priests and demagogues would be overwhelmed; but the noble Lord had understood the argument in an opposite sense. He must say, with respect to these corporations (it being allowed that corporations were good in themselves), that they formed a part of the greatness of imperial Rome, nor did they fall when the empire had began to decline. It remained, then, to be shown why corporations were unfit to be adopted at the present time. The right hon. Gentleman said, that in a state of civilization, corporations were not productive of good. And why, at one moment, should it be maintained that corporations could not be adopted under a highly civilized condition, and in the next breath tell them that Ireland was not so civilised as to allow them to give her municipal institutions? But he was told, as an answer to every plea that had been urged, that the hon. and learned Member for Kilkenny had made certain predictions, and had said that these corporations must be followed up by certain effects. Why, Gentlemen opposite took these predictions as certain consequences. Hon. Gentlemen opposite said, they could not bear the influence of the hon. Member for Kilkenny; they abjured this influence; but here what he said was considered by them infallible, and must come to pass. The hon. Member for Cavan said, his opinion was that at first, parties in these corporations would be likely to use their power to political purposes, but when the offices were vested in merchants and tradesmen of repute they would soon lose that heat which would first be evinced, and men of character, and wealth, and leisure would be the persons chosen in these corporations. That was his belief. But it was said, and it was urged, indeed, as a conclusive argument on this subject, that although these corporations might in themselves be fitting, they would be dangerous to the Church of Ireland. He would not deny, that the Church of Ireland, in the position in which she stood, might be placed in danger by many circumstances; and he knew not that they could save that Church from all dangers by depriving the Roman Catholics of their political and civil rights. In a country where there were more than six millions of a different religion, and not more than one million were Protestants, and the six millions of Roman Catholics were daily increasing in power, it could not be said the Church could remain free from all danger. They were not, however, to look to a supposed contingent danger; and he could see no danger in receiving these new corporations. It was ten times a more dangerous proceeding to tell the people of Ireland, "You cannot have corporations, because the Protestant Church is there established." If they did this, they would indeed most unquestionably, increase the danger to the Church, whilst they would place it in an odious position. He could not refrain from quoting some observations made by Mr. Burke which bore on this subject. Mr. Burke said, "You have an ecclesiastical establishment which, though the religion of the prince, and of the first class of the landed proprietors, is not the religion of the major part of the inhabitants, and consequently does not answer any one purpose of a religious establishment. This is not a state of things which any one in his senses can call perfectly happy. But it is the state of Ireland, and has been the state of Ireland for upwards of 200 years." Mr. Burke also said, "To-day the question is, are we to make the best of a situation which we cannot wholly alter—shall the condition of a body of the people be alienated from a burthen to which they are now subject—the burthen of living under and paying for two religious establishments, from one of which they do not receive any religious instruction or consolation; or are we to aggravate their condition by stepping out of our way to cut off three millions of people from all connexion with popular representation?" Mr. Burke's argument was, do not aggravate the burthens of the great majority of the Irish people—do not aggravate, in the eyes of the people of Ireland, the burthen of having to support an establishment to which they do not belong, and from which they derive no benefit; rather try to alleviate it, and show them that if the Church Establishment cannot be altered, at least that they were not inferior in other respects. "With these observations," continued the noble Lord, "I have now only to beg the attention of the House to the real question before it. It is not a question of degree—not a question of whether any part or parcel of this measure shall be conceded—but a question of whether you will now agree to abolish entirely Municipal Corporations in Ireland, and whether by so doing you will affix upon the people of Ireland the stigma of being unfit to enjoy our free institutions, and whether you will look for the future to nothing but force to enable you to conduct the government of that country."

Mr. *Henry Grattan* regretted that he had tried in vain to catch the Speaker's eye. He begged to say, that as Gentlemen opposite had made attacks upon Lord Mulgrave's Government, and certain persons appointed to offices by his Excellency, he held in his hand letters and statements from three individuals, Mr. Berwick, Mr. Lawrence Cruise Smythe, and Mr. Cassidy; and he was authorised to give to the charges advanced against these individuals, the most unqualified denial. Mr. Berwick had actually received the thanks of Lord Bantry and the magistrates of the West Riding of Cork; who passed unanimously a resolution of unqualified approbation of his conduct, and of the appointment made by the Irish Government. So much for the truth of the charges made by Gentlemen opposite.

The House divided on Lord Francis Egerton's motion:—Ayes 242; Noes 322: Majority 80.

List of the Ayes.

Agnew, Sir A.
Alford, Lord
Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Attwood, M.
Bagot, hon. W.
Bailey, J.
Baillie, H. D.
Barclay, C.
Baring, F.
Baring, H. Bingham
Baring, W. B.
Baring, T.
Barneby, John
Beckett, Sir J.
Bell, M.
Bentinck, Lord G.
Beresford, Sir J. P.
Bethell, Richard
Blackburne, J.
Boldero, Henry G.
Bolling, Wm.
Bonham, R. Francis
Borthwick, Peter
Bowles, G. R.
Bradshaw, J.
Bramston, T. W.
Brownrigg, S.
Bruce, Lord E.
Bruce, C.
Bruen, F.
Buller, Sir J. B. Yarde
Burrell, Sir C. M., Bt.
Campbell, Sir H.
Canning, hon. C.
Canning, Sir S.
Castlereagh, Visc.
Chandos, Marq. of
Chaplin, Col.
Chapman, Aaron
Chichester, A.
Chisholm, A.
Clive, Visc.
Clive, hon. R. H.
Codrington, C. W.
Cole, A. H.
Cole, Visc.
Compton, H. C.
Conolly, E. M.
Coote, Sir C.
Corry, H.
Cripps, Joseph
Dalbiac, Sir C.
Damer, D.
Darlington, Earl of
Davenport, John
Dick, Quintin
Dottin, Abel Rous
Duffield, T.
Dugdale, W. S.
Dunbar, George
Duncombe, W.
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, Sir P.
Egerton, Lord Fran
Eliey, Sir J.
Elwes, J.
Entwisle, John
Estcourt, Thos. G. B.
Estcourt, Thos.
Fancourt, Major
Fector, John Minet
Feilden, W.
Ferguson, G.
Finch, George
Fleming, John
Follett, Sir W.
Forbes, Wm.
Forester, hon. G.
Fremantle, Sir T.
Freshfield, James W.
Gaskell, James Milnes
Geary, Sir W. R. P.
Gladstone, T.
Gladstone, Wm. E.
Gordon, W.
Gore, Wm. Ormsby
Goulburn, rt. hon. H.
Goulburn, Sergeant
Graham, Sir J.
Grant, hon. Colonel
Greene, Thomas
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Halse, James
Hamilton, Geo. Alex.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.

Harcourt, G. S.
Hardinge, Sir H.
Hardy, J.
Hawkes, T.
Hayes, Sir E. S., Bt.
Henniker, Lord
Herries, rt. hon. J. C.
Hinde, J.
Hogg, James Weir
Hope, hon. James
Hope, Henry T.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hoy, J. B.
Hughes, Hughes
Jackson, Sergeant
Jermyn, Earl of
Inglis, Sir R. H., Bt.
Johnstone, J. J. H.
Jones, Wilson
Jones, Theobald
Irton, Samuel
Kerrison, Sir Edw.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Law, hon. C. E.
Lawson, Andrew
Lees, J. F.
Lefroy, Thomas
Lewis, David
Lewis, Wyndham
Lincoln, Earl of
Longfield, R.
Lopez, Sir R.
Lowther, Col. H. C.
Lowther, Lord
Lowther, J.
Lucas, Edward
Lushington, S. R.
Lygon, hon. Gen.
Mackinnon, W. A.
Maclean, D.
Mahon, Lord
Manners, Lord C.
Marsland, T.
Mathew, Captain
Maunsell, T. P.
Maxwell, H.
Meynell, Capt.
Miles, William
Miles, Philip J.
Miller, Wm. Henry
Mordaunt, Sir J., Bt.
Morgan, Chas. M. R.
Neeld, J.
Neeld, John
Nicholl, Dr.
Norreys, Lord
Ossulston, Lord
Owen, Hugh
Packe, C. W.
Palmer, Robert
Palmer, George
Parker, M. E.
Peel, Sir R.
Peel, Edmund
Pelham, John C.
Pemberton, Thomas
Perceval, Col.
Pigot, Robert
Plumptre, John P.
Polhill, Frederick
Pollen, Sir J., Bt.
Pollington, Visct.
Pollock, Sir Fred.
Powell, Colonel
Praed, Winthrop M.
Price, S. G.
Price, Richard
Pringle, A.
Rae, Sir Wm., Bt.
Reid, Sir J. R.
Richards, J.
Richards, R.
Rickford, W.
Rushbrooke, Col.
Russell, C.
Ryle, John
Sanderson, R.
Sandon, Lord
Scarlett, hon. R.
Shaw, F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Sinclair, Sir George
Smith, A.
Smyth, Sir H., Bt.
Somerset, Lord E.
Somerset, Lord G.
Stanley, Edward
Stanley, Lord
Stewart, John
Stormont, Lord
Sturt, Henry Charles
Tennent, J. E.
Thomas, Colonel
Thompson, Ald.
Trench, Sir F.
Trevor, hon. A.
Trevor, hon. G.
Twiss, H.
Tyrrell, Sir J.
Vere, Sir C. B.
Vernon, Granv. H.
Vesey, hon. T.
Vivian, John Ennis
Wall, C. B.
Walter, John
Welby, G. E.
West, J. B.
Weyland, Major
Whitmore, Thomas C.
Wilbraham, B.
Williams, Robt.
Williams, T. P.
Wodehouse, E.
Wood, Colonel
Wortley, hon. J.
Wyndham, Wadham
Wynn, rt. hon. C. W.
Yorke, E. T.
Young, J.
Young, Sir W.

TELLERS.
Clerk, Sir G., Bt.
Ross, Charles

List of the NOES.

Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alston, Rowland
Andover, Lord
Angerstein, John
Anson, Col.
Anson, Sir George
Astley, Sir J.
Attwood, T.
Bagshaw, John
Bainbridge, E. T.
Baines, Edward
Baldwin, Dr.
Ball, N.
Bannerman, Alex.
Barclay, David
Baring, Francis T.
Barnard, E. G.
Barron, Henry W.
Barry, G. S.
Beauclerk, Major
Beaumont, Thos. W.
Bellew, Rich. M.
Bentinck, Lord W.
Berkeley, hon. F.
Berkeley, hon. G. C.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Biddulph, Robert
Bish, Thomas
Blake, M. J.
Blunt, Sir C.
Bodkin, J.
Bowes, John
Brabazon, Sir W.
Brady, D. C.
Bridgman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buckingham, J. S.
Buller, C.
Buller, E.
Bulwer, H. L.
Bulwer, E. L.
Burdon, W.
Burton, Henry
Butler, hon. P.
Buxton, T. F.
Byng, George
Byng, G. S.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Carter, B.
Cave, Otway
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chetwynd, Captain
Chichester, I. P. B.
Churchill, Lord C.
Clay, W.
Clayton, Sir R.
Clements, Viscount
Clive, Edw. Bolton
Codrington, Sir E.
Colborne, N. W. R.
Collier, J.
Conyngham, Lord A.
Cookes, T. H.
Copeland, W. T.
Cowper, hon. W. F.
Crawford, W. S.
Crawford, W.
Crawley, S.
Curteis, H. B.
Curteis, E. B.
Dalmeny, Lord
Denison, W. J.
Denison, John E.
D'Eyncourt, C. T.
Dillwyn, L. W.
Divett, E.
Donkin, Sir R.
Duncombe, T.
Dundas, hon. J. C.
Dundas, hon. T.
Dundas, J. D.
Dunlop, J.
Ebrington, Viscount
Ellice, E.
Elphinstone, H.
Etwall, R.
Euston, Lord
Evans, George
Ewart, W.
Fazakerley, J. N.
Fellowes, N.
Fergus, J.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, Robert
Fergusson, R. C.
Fielden, J.
Fitzgibbon, hon. B.
Finn, W. F.
Fitzroy, Lord C.
Fitzsimon, C.
Fitzsimon, N.
Fleetwood, Peter H.
Folkes, Sir W.
Forster, C. S.
Fort, J.
Gaskell, Daniel
Gillon, W. D.
Gisborne, T.
Gordon, R.
Goring, H. D.

Grattan, J.
Grattan, Henry
Grey, Sir G.
Grosvenor, Lord R.
Grote, George
Gully, John
Hall, Benjamin
Hallyburton, Lord D.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir And. Leith
Heathcote, John
Hector, C. J.
Heron, Sir R., Bt.
Hindley, C.
Hobhouse, Sir J. C.
Hodges, T. L.
Hodges, T. T.
Holland, E.
Horsman, E.
Hoskins, K.
Howard, R.
Howard, P. H.
Howick, Viscount
Hume, J.
Humphery, John
Hurst, R. H.
Hutt, Wm.
James, William
Jephson, C. D. O.
Jervis, John
Johnstone, Sir J.
Johnston, Andrew
King, Edward B.
Labouchere, H.
Lambton, Hedworth
Langton, Wm. Gore
Leader, J. T.
Lee, John Lee
Lefevre, C. S.
Lemon, Sir C.
Lennard, Thomas B.
Lennox, Lord G.
Lennox, Lord A.
Leveson, Lord
Lister, E. C.
Loch, J.
Long, W.
Lushington, Dr.
Lushington, Charles
Lynch, A. H.
M'Leod, R.
Macnamara, Major
M'Taggart, J.
Maher, John
Mangles, J.
Marjoribanks, S.
Marshall, Wm.
Marsland, H.
Martin, J.
Martin, T.
Maule, hon. F.
Methuen, Paul
Milton, Viscount
Molesworth, Sir W.
Moreton, A.
Morpeth, Lord
Morrison, J.
Mosley, Sir O.
Mostyn, hon. E.
Mullins, F. W.
Murray, rt. hon. J.
Musgrave, Sir R., Bt.
Nagle, Sir R.
North, F.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Ferrall, R. M.
Oliphant, Lawrence
Ord, W. H.
Oswald, James
Paget, Frederick
Palmer, General C.
Palmerston, Lord
Parker, John
Parnell, Sir H.
Parrott, Jasper
Parry, Sir L. P. J.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W.
Philips, Mark
Philips, G. R.
Phillipps, Charles M.
Pinney, W.
Ponsonby, W.
Ponsonby, J.
Potter, R.
Poulter, J. S.
Power, James
Power, J.
Poyntz, W. Stephen
Price, Sir Robert
Pryme, George
Ramsbottom, John
Rippon, C.
Robarts, A. W.
Robinson, G. R.
Roche, William
Roche, D.
Roebuck, J. A.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord Charles
Ruthven, E.
Sanford, E. A.
Scholefield, Joshua
Scott, Sir E. D.
Scott, James W.
Scourfield, W. H.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, Richard L.
Simeon, Sir R.
Smith, J. A.
Smith, hon. R.
Smith, Robert V.
Smith, B.
Spry, Sir S.
Steuart, R.
Stewart, P. M.
Strangways, hon. J.
Strickland, Sir G.
Strutt, Edward
Stuart, Lord D.
Stuart, Lord J.
Stuart, V.
Surrey, Lord
Talfourd, Sergeant
Tancred, H. W.
Thomson, C. P.
Thomson, Paul B.
Thompson, Colonel
Thornley, Thomas
Tooke, W.
Townley, R. G.
Trelawney, Sir W. L.
Troubridge, Sir E. T.
Tulk, C. A.
Turner, W.
Tynte, Chas. K. K.
Tynte, C. J. K.
Verney, Sir H., Bt.
Vigors, N. A.
Villiers, C. P.
Vivian, J. H.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, Hen. George
Wason, R.
Wemyss, Captain
Westenra, hon. H. R.
Westenra, J. C.
Whalley, Sir S.
White, Samuel
Wigney, Isaac N.
Wilbraham, G.
Wilde, Sergeant
Wilkins, W.
Wilks, John
Williams, W.
Williams, W. A.
Williams, Sir J.
Williamson, Sir H.
Wilson, H.
Winnington, H. J.
Wood, Alderman
Worsley, Lord
Woulfe, Sergeant
Wrightson, W. Battie
Wrottesley, Sir J., Bt.
Wyse, T.
Young, G. F.

TELLERS.

Stanley, Edw. J.
Wood, C.

Paired Off.

Grey, C.	Smith, T. A.
Dobbin, L.	Verner, Colonel
Heneage, E.	Corbett, T. G.
Tracey, H.	Herbert, Sidney
Crompton, S.	Peel, J.
O'Conor, Don	Cooper, E. J.
Chapman, M. L.	Mandeville, Lord
Speirs, A. G.	Goodricke, Sir F.
Talbot, J. H.	Plunkett, R.
Bellew, Sir J.	Bateson, Sir R.
Belfast, Lord	Hay, Sir J.
Winnington, Sir T.	Foley, E.
Guest, J. J.	Owen, Sir J.
Childers, J. W.	Glynne, Sir S.
Ingham, R.	Tollemache, hon. A. G.
Rice, T. S.	Cartwright, W. R.

The House went into Committee, *pro formâ*, and resumed.

Committee to sit again.

HOUSE OF LORDS,

Thursday, February 23, 1837.

Minutes.] Petitions presented. By Lord Cloncurry, from Saint Micham, Dublin, for the Adoption of Poor Laws (Ireland).—By the Earls of Devon, Shaftesbury, Lords Kenyon, Redesdale, the Bishops of Bath and Wells, and Exeter, from Dunstable, Exeter, and other places, against the Abolition of Church Rates.—By Lords Strafford, Brougham, the Earl of Radnor, and the Marquess of Conyngham, from Brighton, Lincoln, and other places, for the Abolition of Church Rates.—By Lord Cloncurry, from Cong, for the Abolition of Tithes (Ireland).

Wills Bill.] Lord *Langdale:* I beg leave to move, that the Bill for the Amendment of the Laws with respect to Wills be now read a second time.

It is so important to the welfare of families, and to the general interests of the community, that men should be able to dispose of their property by will, and that their lawful intentions should be faithfully carried into execution after their deaths, and the laws under which these objects are to be effected are now attended with so much doubt and perplexity, that I am induced to hope that an attempt to introduce some improvement will not be considered to require any apology.

The subject has of late years been very much considered, and has been carefully investigated by two distinct Commissions—by the Real Property Commission, which was appointed in 1828, and by the Ecclesiastical Commission, which was appointed in July, 1830. It was part of the business of the Real Property Commission to consider the law relating to wills of real estate; and part of the business of the Ecclesiastical Commission to consider the law relating to wills of personal estate; but in such a case it was impossible for either Commission to avoid touching upon something which was within the province of the other; and the result has been, that upon several points comprised within the general question, the public has the benefit of the investigations and recommendations of both Commissions.

The Report of the Ecclesiastical Commission was made in February, 1832. The fourth Report of the Real Property Commission, which is upon the subject of wills, was made in April, 1833; and with a view principally to carry into effect the recommendations of the Real Property Commission, a Bill was prepared by Mr. Tyrrell, a very able and distinguished member of the Commission, and that Bill was brought into the House of Commons in the year 1834. It was referred to and considered in a Select Committee, but did not then proceed further. In the year 1835 it was introduced into the House of Commons, and passed the House after having been again referred to, and, as I am informed, very carefully considered in a Select Committee. It was then brought up to this House, read once, and referred to a Select Committee, from which it received great attention, but no report was made.

My Lords, I had the honour to present the same Bill to your Lordships early in the last Session, and, though I had every reason to think that great pains had been taken to investigate the subject fully, yet being of opinion that in such a case no caution could be superfluous, and being certain that I might rely on receiving advice and assistance from the members of a learned and liberal profession, I caused several copies of the Bill to be sent to many eminent men engaged in different branches of the law, and from them I received, as I had expected to do, many valuable communications—some of them reached me at a late period of the Session—and that, together with other circumstances, prevented me from laying the subject in detail before your Lordships in the course of the last year.

These communications have been carefully considered, and in consequence of them, and with the assistance of Mr. Tyrrell, some alterations, though not to any great extent or of any considerable importance, have been made in the Bill which I now submit to your Lordships in what, I hope, may be considered an improved state.

The general object of the Bill is to collect the provisions of several statutes relating to wills into one Act of Parliament, and at the same time to make in these provisions such modifications as may afford additional securities for the prevention of spurious wills, and additional facilities for making genuine wills.

The particular provisions relate to the property which may be disposed of by will; the persons by whom wills may be made; the forms which are to be observed in making them; and the modes of revoking, altering, and reviving them; and to these provisions, which necessarily belong to the subject, it has been thought right to add others for correcting certain rules of construction, by which the lawful intentions of testators are often defeated; and there are some incidental matters which may, perhaps, be more conveniently explained on a future occasion.

According to the policy of this country, it is desirable that the property which a man may dispose of by his will should comprise every thing which he has—*i. e.* every thing he has for an interest which endures beyond his own life, and which, in default of any disposition made by him, would devolve upon the person who is designated by the general law as his real or personal representative, and, generally speaking, the law as it stands, gives this power of disposition—but there are some exceptions, and one of the objects of this Bill is to remove those exceptions. I will endeavour to explain the nature of them to your Lordships. There are some customary freeholds or tenant rights and also, as it is supposed, some copyholds of which the legal estate cannot at present be devised: any equitable interest, however, in the same estates may be devised, and consequently when a man wants to make such estates subject to his will, he is obliged by some direct or indirect means to constitute a trustee who may voluntarily, or under the compulsion of a Court of Equity, dispose of the estate as the real owner may by his will direct. What is proposed is, to make the legal estate in property of this nature pass directly by the devise without any of those expensive and sometimes hazardous contrivances which are now necessary. Again, estates for others' lives, estates *pour autre vie* as they are called, are in general devisable by the law as it now stands—but if the property be copyhold and there be no special occupant, the estate is not devisable, and this Bill proposes to remove that exception. Again, almost all contingent and future interests are now devisable, but there is an exception if the testator be not, when he makes his will, ascertained to be the person in whose favour the contingency, if it happens, must fall. Thus, if an estate be limited to two sisters and the survivor of them, and, after the death of the survivor, to such other person as the survivor may give it by will,—whilst the two sisters are both living, it cannot be known which will survive; and I will suppose that one of them in the expectation of surviving, makes a will giving the estate which in that event she will be entitled to dispose of, and after making that will, actually becomes the survivor, and competent to dispose of the property; yet, if she dies in that state of things, without re-executing her will, the property will not pass, and for this it is proposed to give a remedy. Again, although reversionary interests are now devisable, rights of entry are not; and this strange case has happened and may again occur. An estate is vested in one man for his life; the reversion is in another who may effectually devise it if he pleases. I will suppose him to make his will for that purpose, and to die without knowing that anything has occurred to prevent its legal operation. Unfortunately, however, the tenant for life without the knowledge of the reversioner has done one of the several acts which may in law occasion a forfeiture of his life-interest. This act at the same time converts the reversion into a right of entry which is not devisable, and the testator's will is as to that estate wholly frustrated, and this is an evil which the present Bill proposes to correct.

My Lords, the propositions which I have mentioned though important in themselves, and in relation to the particular cases to which they may be applied, cannot I think be represented as of very frequent and general occurrence. The cases occasionally occur; they give rise to well-founded complaint, and bring some reproach upon the law; but neither in respect of their frequent occurrence nor in respect of the amount of property likely to be involved do they at all approach in importance to the next proposition which is made in reference to this part of the subject.

As the law now stands, a will does not pass any real estate which the testator is not intitled to, both at the date of his will and at the time of his death; it has no effect upon any real estate which may have been acquired in the intermediate time. It is probable that the rule, in this respect, arose partly from the construction given to the word "having" in the Statute of Wills, and partly from the desire which has been felt to favour the heir; but, beyond all doubt, it defeats the intentions of testators. A man may, in express words, devise all the real estate he possesses at the date of his will, together with such other real estate as he may afterwards acquire and be intitled to at the time of his death; only that which he had both at the date of his will, and also at the time of his death, will pass, and not that which he acquired after his will. He may in his will recite, according to the truth, that he is in treaty for the purchase of a particular estate, and expects to become the absolute owner by the purchase, and then declare that he is buying the estate with a view to the benefit of a particular person to whom accordingly he devises it. He afterwards does complete his purchase and become the owner, but, without re-execution, the will is wholly ineffective as to this estate. Nay more, a man may have entered into a binding contract for the purchase of an estate which in equity is justly considered as his. Being his, he devises it; and if he were then to die, the equitable interest would pass to his devisee—but during his life, he obtains a conveyance of the legal estate; and, if from some circumstance of family convenience, or it may be from some whim of the conveyancer not knowing of the will, the legal estate should be taken in a form different from that of the equitable estate obtained by the contract, the will fails and the devisee is disappointed. And what seems more extraordinary than this, a man may be possessed of the same real property, both at the date of his will and at the time of his death, so that by the ordinary rule the estate would pass; yet if in the interval he should, with the desire, and, for the avowed purpose of strengthening his own title, and by that means making his gift more secure, have done certain acts as he thought for further assurance, the effect of those acts (as the law now stands), may have been to strengthen his own title, and, at the same time, to defeat the devise for the sake of which alone he desired to strengthen his own title.

These and other anomalies have been constantly complained of; and judges have lamented the necessity under which they were, to act upon rules which they disapproved of, and which they could not evade. The Real Property Commissioners have, therefore, recommended, and this Bill proposes, that a man should be able to dispose by his will of all the real estate which he may be intitled to at the time of his death, although he may have become intitled to it after the date of his will.

Such are the alterations which it is proposed to make in the property which may be disposed of by will.

As to the persons by whom real estate may be devised, it is not proposed to make any change; but, at present, personal estate may be bequeathed by boys of fourteen and girls of twelve years of age, if they should be of sufficient discretion. It was proposed by the Real Property Commission, that no will of any sort should be made by any person under the age of twenty-one years; and the Bill, when introduced into the House of Commons in 1834 and 1835, contained a clause to that effect. In the Select Committee of that House, it was considered that persons under twenty-one might be intrusted to make their wills, and seventeen was the age there proposed and adopted. This change, however, was not acquiesced in by the House, and the age of twenty-one years was restored to the Bill, and remained in it when it came up to this House. The present Bill proposes twenty-one years as the age of persons who make wills of lands, and seventeen years as the age of those who make wills of personalty; and, if it should be your Lordships' pleasure that this Bill should go into Committee, it may be considered whether this is not a convenient arrangement by way of compromise. The law, as it stands, makes the property of an intestate devolve in a manner which, notwithstanding some objections, is, I believe, generally approved in this country; and the intestacy of a young person under twenty-one years of age cannot be looked upon as a considerable grievance; but there are cases (of illegitimate children particularly), in which with reference to the persons by whom they have been brought up and kindly treated, it may be thought desirable to give a power of making a will at an earlier age than twenty-one years.

The provisions of this Bill, with respect to the mode of executing wills, are next to be considered.

Now, my Lords, of all acts whatever by which property may be disposed of or affected, it may justly be said, that at the very times when the acts are done, you should secure the means of authenticating and establishing them on future occasions: and that which is true of all such acts, is more particularly important in the case of wills, the making of which, though a most important duty, and one which every man ought to perform in his time of health and strength, is so frequently delayed to the last moments of life—moments too often of agitation, debility, and destitution; when the man may not be able to procure the assistance which, at another period, he might have commanded; and, when he may be surrounded by interested and artful persons, willing, if they safely can, to withdraw the testator's estate from the proper objects of his bounty, or from the persons whom the law has designated as his proper successors in the absence of any expressed will of his own to the contrary.

It has, therefore, never been doubted, but that in the formation of wills, it is desirable to have some means of authentication provided—some forms and ceremonies observed, when the wills are made—and it will probably be admitted, that for the purpose of seçuring in the best mode you can the observance of them, the directions for the forms and ceremonies which you require should be clear, uniform, and simple, to the utmost extent which is consistent with the security you desire to establish.

Considering, that to prevent the imposition of spurious wills, is the reason for requiring forms; and that wills may be genuine, *i. e.* may be true expressions of the testator's intentions in the absence of the forms, or of some of the forms which you may direct, one would wish it to be practicable to direct the observation of certain forms for security without absolutely excluding the validity of wills in which those forms had not been observed, in cases where in the absence of the forms full and satisfactory evidence of the genuineness of the wills could be produced.

With respect to wills, formal and genuine, informal and spurious, are not convertible terms; and it seems, I confess, but a coarse and clumsy mode of legislation upon such a subject as wills, often made *in extremis*, to say, that unless certain forms are observed, the will shall be wholly null. But, after careful reflection on the subject, and the topics necessarily connected with it, I am afraid that, at present, all that can be done to avoid the frustration of genuine wills, whilst you are imposing forms to prevent the imposition of spurious wills, is to make the directions for those forms as clear, uniform, and simple, as the nature of the case admits of.

What then are the forms which appear to be necessary? It is plain that writing affords the most useful means of authentication: but not only may a writing be forged, but a writing, even in the hand of the testator, may purport to express an intention, when the writer in making it contemplated only a project: the writing may seem to express a will or determination concluded upon, when in truth it was written only as a draft to facilitate meditation and future consideration. It appears, therefore, that writing alone does not afford sufficient security; and even a writing with the signature of the testator at the foot, which would indicate a conclusive act, does not afford any security that the writer was, at the time when he wrote and signed, of sound mind or free from all undue influence. In addition to the writing and the signature, it is desirable to have witnesses of the act, attesting it at the time when it was performed.

And it is scarcely disputed but that these things, viz.—writing—the signature of the testator—and the attestation of witnesses—are the acts which the law should require to be done for the authentication of wills. But these acts, instead of being required to be done in a clear, simple and uniform manner, are by the present law required to be done in modes which have been justly enough said to exhibit " a matchless variety." The Real Property Commissioners have stated ten different modes of making wills, sanctioned by the law of England, and depending on the various sorts of property intended to be disposed of. I do not intend to trouble your Lordships by stating them all; but shall content myself with adverting to those which are most contrasted to one another—the mode of devising freehold land—and the mode of bequeathing ordinary personal estate.

Freehold lands are to be disposed of by will, executed according to the forms directed by the Statute of Frauds, which passed in the year 1676, and which provided, that wills of land should be in writing, signed by the testator, or by some other person under his direction, and attested by three or four credible witnesses in his presence.

Personal estate, on the other hand, may be disposed of by any writing, however informal. The ecclesiastical courts have exclusive jurisdiction over this matter, and may consider as a will that which appears in the shape of a letter to a friend or an agent, or of a loose memorandum, or of a series of detached memoranda, if it be deemed that such writings afford sufficient means of collecting an intention.

Thus a freehold interest in land, however small, cannot be disposed of by will without all the forms required by the Statute of Frauds, whilst an interest in personal estate, however large, passes by a will for which no form but writing is required.

Both methods have been disapproved of by eminent judges. It has been regretted that the Statute of Frauds directed forms so strict, in language so loose, for wills of real estate, and that the Legislature did not require some form for the validity of wills of personal estate. The discrepancy between the modes of executing wills of real, and wills of personal estate, and the grave inconveniencies arising from that discrepancy, have been from time to time pointed out and lamented, and have been noticed at length in the Reports of both the Real Property and the Ecclesiastical Commissions.

I shall submit to your Lordships only one case, for the purpose of illustration. A man having ample property, real and personal, and a large family, makes his will for the purpose of providing for all his children: he settles what he thinks proper for the benefit of his heir—he directs all the rest to be sold, and the produce to be divided amongst his younger children in certain shares; or knowing the different habits and characters of his younger children, he provides for some by giving them portions of his real estates, and for others by giving them sums of money. He expresses himself clearly and distinctly, so that there is no doubt of his intention. He signs his will, and procures witnesses to attest his signature; but knowing that two witnesses are commonly sufficient to attest a legal act, and not aware that three witnesses are required to attest the execution of a will, he procures no more than two; and the consequence is, that the will, though good as to the personalty, wholly fails as to the real estate. To ears not familiar with such things, it seems strange to say that the will, though clearly expressing the intention in every part, is partly good and partly bad, but so it is, as the law now stands. The real estate, intended for the younger children, descends upon the heir in addition to the provision expressly made for him, and the younger children, whose provision was to consist of real estate only, are left penniless.

I might mention other cases of striking inconvenience arising from the want of uniformity in the mode of executing wills relating to different sorts of property, but it seems unnecessary. It is clearly desirable that the validity of all wills should depend on circumstances of the same sort; and as I apprehend that no one would agree to sanction informal wills of real estate, it follows that some forms should be required to give validity to wills of personal estate.

It is not to be denied that the Ecclesiastical Courts have sometimes been able to collect a clear intention from the informal and imperfect papers which they have held to constitute a will; and, consequently, that the intentions of some testators may be disappointed by excluding such documents. But in considering the propriety of a proposed general rule, it is necessary to estimate the probable inconveniences to arise from adopting or rejecting it; and on a fair consideration of all the circumstances, both the Commissions concur in recommending that a formal execution of the wills of personal estate should be required.

And supposing that your Lordships may be disposed to concur in an enactment, providing for the execution of all wills, in an uniform manner, the next consideration is what the form should be? the forms required for wills of lands by the Statute of Frauds, or any other?

There is not, as I apprehend, and as I have before stated, any doubt as to the necessity of writing—signature—and attestation of witnesses,—but the Statute of Frauds in directing the attestation of witnesses says, that the will is to be subscribed by three or four credible witnesses in the presence of the testator; and from this clause great litigation has arisen, and continually arises. The questions relate to the number of witnesses—to the legal effect of the word "credible"—and to the direction that the witnesses shall subscribe the will in the presence of the testator.

Both Commissions recommend, that the number of witnesses shall be reduced from three to two, for reasons which they have stated, and which seem to be sufficient to warrant their conclusion. In most legal instruments the attestation of two witnesses is thought sufficient. Two witnesses are usually called in, and are often required to subscribe the attestation, and this to such an extent, that a sort of habit of attesting by two witnesses has been acquired, and very many wills have been frustrated in consequence of testators having unfortunately conformed to that habit. It is obviously less difficult to procure two than three witnesses in cases of emergency, and this Bill, pursuant to the recommendation of the Commissions, proposes, that an attestation of wills by two witnesses shall be sufficient.

As to the word "credible"; it is certainly desired to have the means of examining witnesses who know the fact, and of whom you have reason to believe that they will speak the truth; but this object cannot always be secured. At the time when the will is required to be proved, the witness may be dead, or may have become insane. He cannot be examined, but the law permits his attestation, and the circumstances attending it (as far as they can be), to be proved in another way. But besides, a witness who has attested and subscribed the will may be interested under the will, as a legatee; and because he is interested, he is not, by the ordinary rules of evidence, considered to be a credible witness to prove the will by which his own title to a legacy is to be established. To meet the very great inconvenience which arose from excluding the testimony of witnesses who were legatees, a statute was made in the 25th year of Geo. 2nd., and thereby any devise or legacy to a witness attesting the will was made void, and the interest of the witness being thus destroyed, he was admitted to prove the execution. In other words, the Legislature, in order to avoid the great injustice of destroying the whole will by excluding the testimony in its favour, attempted to commit the less injustice of destroying the legacy, which was but a part of the will: but, in truth, laws such as this, are not executed. It has often happened that the only persons present, and therefore the only persons who could have attested the execution of the will, were relations, friends, or servants to whom the testator has given some token of his bounty, or some memento of his affection To make such gifts void, is revolting to the feelings of mankind; and, whatever the law may declare, the sense of interest, if there be any to bias him, remains in the mind of the witness. He believes, as from the ordinary practice in such cases he must, that the executors and residuary legatees will concur in giving him that which the law takes away; and, it is plainly their interest to encourage that belief which is more dangerous to the real interests of truth, when it is made to depend not on the validity of the will but on the favour of the persons most interested under the will. I ought to state, that neither of the Commissions has proposed any alteration in this respect; but the Real Property Commission has stated reasons for an alteration which seem to be sufficient; and surely a law which the ordinary feelings of men do not permit to be executed should not be allowed to remain. But, besides that a man who has an interest under the will is not considered credible as an attesting witness, the will is liable to be rendered inoperative by the fact of a witness having been convicted of an infamous crime, and having for that reason become incompetent to give evidence in a court of justice. No doubt a man may have been guilty of an infamous crime and be a proper object of punishment, and may nevertheless be worthy of belief when called to prove a particular fact; but the law declares him incompetent, and the will of a testator who never heard of the offence, or of the consequence, and who upon a sudden emergency could procure no other witness, is wholly frustrated by the operation of that law.

What is proposed by this Bill, is not any alteration in the law of evidence upon any other, or even on this occasion; but that a will attested by a witness who cannot legally be examined by reason of his interest, or any other cause of incompetency, shall be treated as a will attested by a witness who afterwards died or became insane. It has been suggested, and I believe justly, that this rule if adopted will require some additional provision to secure the testator from fraud, which might be practised by persons filling the characters of witness and legatee, and not subject afterwards to personal examination. The object, your Lordships will see, is if possible to preserve both the will and the legacy, in cases where the legatee is made a witness. I am not sure, that the object can be effected, but it seems worth while to try; and I shall be happy to consider, and if satisfied, to acquiesce in any alteration in the proposal now made, which may be likely to accomplish the object. If your Lordships permit the Bill to go into Committee, the subject will deserve great consideration.

The direction in the Statute of Frauds, that the attestation and subscription of the witnesses shall be made in the presence of the testator, has given rise, and even now gives rise, to great litigation. The question is, whether it is necessary or useful?

It is very common for persons who have been percipient witnesses of the execution of a legal instrument, not to sign their attestation at the same table, or even in the presence of the party who has executed it; but to take the instrument into an adjoining room and there sign the attestation. This mode of proceeding does not in any way affect the validity of a deed; but if it is adopted in attesting the execution of a will, the validity of the will may be wholly destroyed, because the statute requires the attestation to be subscribed in the presence of the testator—and inconveniences so great have occurred, and have been threatened, in consequence of this provision, that in this, as in other cases of inconveniences occasioned by the law, the courts have been impelled to use their best endeavours to defeat the plain meaning of the Act of Parliament, by giving to the words a construction which it is scarcely possible to suppose the Legislature intended—and it has been held that the words "in the presence of the testator," do not mean in the same room, or even in the same house with the testator, or even within the actual sight of the testator; but they mean being in such a situation that, if he would, he might have seen the witnesses sign the attestation. The testator may be sitting in his carriage in the street, and the witnesses may sign the attestation in a house—if by design, or even by accident, the carriage is so placed that through the window he might have seen the attestation signed, it is enough; it is not made a question whether he did see. If the testator is in bed in one room, and the witness sign the attestation in an adjoining or any other room, the inquiry is not, whether the testator saw the attestations signed, but whether he might have seen, if he would. In what position was the testator lying in his bed? where was the table on which the witnesses signed the attestation? were the doors or windows between the room where the testator was and the place where the witnesses signed the attestation, open or shut? was there any hole in the wall or in the floor? in short, could a straight line, by any means or through any aperture, have passed without interruption from the head of the testator to the place where the witnesses signed? or if not, was there a mirror or looking-glass so placed, that by the laws of optics a reflected ray of light might have enabled the testator, if he would, to see what was doing? if yes, the will was good; but if no, the will is bad, and the intentions of the testator are wholly frustrated.

Now the probable reason why it was directed that the attestation should be subscribed in the presence of the testator was, that the witnesses might be prevented from substituting a spurious paper instead of the will—a very improbable risk, the protection against which was lost from the moment that constructive presence was substituted for actual presence. No bad consequence has followed from the loss of that protection, but the inconvenience of great litigation and uncertainty has arisen from the question what constitutes "presence" in particular cases, according to the constructive meaning which has been given to that word—and it is conceived that this inconvenience may be removed, and that no benefit will be lost by omitting from the directions for attestation contained in the Statute of Frauds, the words "in the presence of the testator"—and this Bill accordingly proposes to omit them.

My Lords, it is to be observed, that the Statute of Frauds, whilst it provides that the witnesses shall attest and subscribe in the presence of the testator, does not provide that they shall be present together at the time when the testator signs or acknowledges the will. The consequence of this is, that the testator may sign the will in the absence of all the witnesses; and may afterwards acknowledge his signature, at successive intervals of time, to different witnesses, who may never have seen each other. Chief Justice Willis considered this to be an inlet to great frauds and impositions, and he thought it desirable that the witnesses should be present together, and be a check upon each other. Other judges have expressed the same opinion, and on this ground the Real Property Commission proposed, and it is provided by this Bill, that the signature of the testator shall be made or acknowledged by him in the presence of witnesses present at the same time. In this provision there can be no question as to any constructive presence; anything vague or uncertain in the word presence is limited by this,—that whilst present they are to be percipient witnesses of the signature or acknowledgment.

The next subject to be considered is the revocation of wills, and the mode of reviving them after revocation.

At present there is a great variety of rules applicable to this subject; and from this variety great inconveniences have arisen: a will is often revoked as to part of the dispositions made by it, and left in operation as to the rest, and thereby the general intentions of the testator are frustrated. No alteration is proposed to be made in the rule whereby a woman's will is held to be revoked by her marriage. But it is recommended by the Real Property Commission, that the rule adopted from the Ecclesiastical Courts in modern times, by which a man's will is held to be revoked by his marriage and the birth of a child, should be altered. The reason of that recommendation is, that the Courts have often found that the rule operated against the intention of the testator, and have held that the presumption of a change in the testator's intention from the change in his circumstances may be rebutted by other circumstances. The testator may by his will have provided for a future wife, or for future children; in that case he contemplated his change of circumstances when he made his will, and it would be absurd to hold the will revoked by that change. He may have an heir apparent at the time when he makes his will, and revoking the will by a subsequent marriage, followed by the birth of a child, would give all the real estate to that heir apparent, which could not be for the benefit of the children of the subsequent marriage; and other cases of more complication have occurred, from which it is very often doubtful whether the Courts will or will not consider particular circumstances sufficient to rebut the constructive revocation of the will by marriage and the birth of a child; and from this cause, uncertainty of title and litigation to a considerable extent, have arisen, and the inconveniences of the rule have been considered to preponderate over its advantages.

The Bill provides that any will may be revoked by another will or writing duly executed, or by destruction with intent to revoke, and that alterations by interlineation shall not be valid without signature and attestation; and it is provided that revoked wills shall not be revived without re-execution, or a codicil showing an intention to revive.

The Bill, after providing for these several objects, contains some clauses which may be considered as more clearly defining the effect on the testator's property, of wills to be made under the law now proposed. If, after the date of his will, a man makes a conveyance of his estate, reserving some interest which he possesses at the time of his death, it is provided that the will shall operate on that interest. It is next provided that the will shall speak at the time of the testator's death. If he has real estate at the date of his will, and other real estate at the time of his death, and by his will has devised all his real estate, the will speaking at the time of his death means all the real estate he then has, and not merely the real estate which he had at the date of his will. Further, this Bill provides, that a residuary devise shall include lapsed and void devises. This follows almost necessarily from the proposed rule to make the will speak from the death, but it has been thought better to remove all doubt by making the declaration.

I ought, perhaps, to have stated at an earlier period what this Bill proposes to do with respect to powers of appointment to be executed by will. This subject is not mentioned in the report but is of considerable importance.

A man may if he pleases give an estate to such persons as another shall appoint, and may say that such appointment shall be made, or such power be exercised by a will executed in a particular manner without any witness, or with one witness, or any number of witnesses, of any particular quality; and if the mode in which the power is directed to be exercised is not strictly followed, the appointment fails: and questions followed by great litigation, very often arise between those who claim under the appointment and those who claim as in default of appointment; and it is conceived that great benefit will arise from enacting that powers to be executed by will shall be held to be duly executed, whenever a will purporting to be made in execution of the power shall be executed according to the forms required for a valid will by the general law.

The Bill also provides that a general devise of all the testator's estates shall be held to include estates over which he has a general power of appointment. The importance of this provision will appear from the statement of one out of several cases which have actually occurred. A man having lands in fee only in five parishes, lands over which he had a general power of appointment only in three parishes, and both lands in fee and lands over which he had a general power of appointment in one parish, devises all his lands in the nine parishes, naming them. The lands in fee passed of course—the lands over which he had the general power of appointment in the three parishes passed, because as he named the parishes he must have meant the lands within them, and those were only lands over which he had the power of appointment; but in the one parish in which he had lands of both sorts, the lands over which he had the power of appointment did not pass, because the lands in fee in the same parish were sufficient to satisfy the words of the devise. It is impossible to believe that the testator did not intend these lands to pass; and the intention of the enactment now proposed is to prevent such disappointment of intention in cases of the like kind.

The clauses in this Bill which are next to be noticed are those which relate to the construction and effect of certain words. There are certain constructions of words which the Courts are at present obliged to adhere to, and have no power to alter; but being acknowledged to produce an effect which, if uncontrolled, is in all cases contrary to the intention of the testator, endeavours are constantly used to find out other words and circumstances to control them: and to what extent those other words and circumstances may be available for that purpose is always a question attended with doubt and difficulty, and is often a source of great uncertainty in titles. I do not know how I can explain the nature of the proposed enactment better than by stating examples of the cases which occur. The words lands and tenements do not of themselves designate the quantity of estate for which they are held. They are equally applicable to lands and tenements held in fee and to lands and tenements held for years only, and when found in wills they clearly ought to be applied to both; but the construction which the Courts are now bound to give to the words varies according to circumstances. If a man having lands in fee only in one parish , lands for years only in another parish, and both lands in fee and lands for years in a third, devises all his lands and tenements in the three parishes, the lands in fee pass by the will, and so do the lands for years in the parish in which he has no lands in fee, but the lands held for years in the parish in which he has both lands in fee and lands for years do not pass. The case is very like that which I have mentioned upon the subject of land over which there is a general power of appointment, and the plain and manifest intention of the testator is equally violated, and is by all judges admitted so to be. It is therefore proposed to be enacted, that a general devise of lands shall be held to include leaseholds.

Again, because the words lands and tenements do not of themselves designate the quantity of estate or interest for which they are held, and in common parlance when a man speaks of his house or of his lands as property which he has a right to dispose of, he means his whole right to it, it often happens that a man making his will without competent legal advice, gives his house or his lands at such a place to such a person without adding any word of limitation or inheritance. To common understandings, and out of the Courts, his meaning is clear and obvious, to give all his interest in the house or in the lands to his devisee. But the rules of construction which have unhappily been established intervene to thwart the plain intention; and if there be no other words in the will to help that plain intention, the devisee takes only an estate for life. Lord Mansfield and other eminent judges have admitted, that in almost every case where by law a general devise of lands is reduced to an estate for life, the intention of the testator is thwarted; and it is therefore proposed to put an end to this reproach upon the law.

Again, it is very common to devise real or personal estate to a particular person, as to an eldest son, and if that eldest son "shall die without issue," then to the second son. Of the meaning and intention there is no doubt—no one who considers the ordinary sense and meaning of the words "die without issue" has or can have any doubt that they mean die, being at the time of dying without issue, and that the testator means that the estate shall go to his second son if the first shall die without issue living at the time of his death. But very different is the construction which the judges are bound to put upon the words if they can find nothing else in the will to control their technical meaning. They are bound to construe the words "shall die without issue" to mean, "shall become dead without issue at any period however remote." Now a man may die to day, leaving a family of children; he is not dead without issue, but two or three hundred years hence, his children and their offspring may be all exhausted, and then for the first time, at that remote period, the man becomes dead without issue, and consequently in the absence of any other words to control the construction, the judges are obliged to hold that it is only upon that remote event that the estate is given or intended to be given over to the second son. The result is, that the eldest son is deemed to have an estate tail in freehold estate and an absolute interest in the personal estate, and thus notwithstanding that the eldest son may never have any issue, the intended gift over to the second son entirely fails.

My Lords, I should scarcely venture to employ the language applied by Chief Justice Willmott to cases of this nature, but in an opinion delivered by him in this House, he calls the technical exposition which I have adverted to, of the words "if he shall die without issue," "a monstrous absurdity, a shameful abuse of language, a confounding of the present and future time together, the most intolerable tyranny and the grossest barba-"rism;" and after saying most truly, that wresting and torturing words cut of their natural signification, to defeat a testator's, intention is directly counteracting the injunction of the law in expounding wills, and racking a man upon his death bed to make him say what he never meant or thought of," he adds, "but unfortunately for devisees claiming under bequests, depending upon the contingency expressed in these words only, without any other words to restrict them, some of the greatest and ablest men have followed one another in saying, that alone and by themselves, they must be considered to mean, being dead without issue at any future time, and that limitation over upon them are void."

My Lords, the judges have no choice upon this subject; they must administer the law as they find it, and adopt the constructions which are established. I, who have now the honour to address your Lordships, and who feel sincerely the truth of the remarks made by Chief Justice Willmott, may, in the discharge of my duty, be obliged to-morrow to act upon the construction of words which he so severely condemns; and the rule being established, no judge can be exempted from the necessity of conforming himself to it without the interposition of the legislature.

But the construction given to the words "die without leaving issue," when there are no other words to restrict them, is still more extraordinary. By a train of decisions which can only be controlled by the legislature, it is established, that the words "die without leaving issue" shall have two distinct meanings, one applicable to real estate, the other applicable to personal estate. When the words are applied to personal estate, they are to have what may be called their natural meaning, "leaving no issue living at the death," but when applied to real estate, the same words are to mean, "a failure of issue at any period, however remote." And if a man devises and bequeaths as follows: "I give my freehold and leasehold estates to my eldest son, and if he shall die without leaving issue, to my second son," the words "die without leaving issue," in this short phrase, are held to have two distinct meanings with respect to the two sorts of estates given, viz. an indefinite failure of issue with respect to the freeholds, and a failure of issue living at the death with respect to the leaseholds.

And thus, under the same words in the same sentence, and it being beyond all doubt that the testator meant the same thing as to both freehold and leasehold estates, the gift is by the construction quite different. In the freehold the eldest son takes an estate tail, which he can dispose of as he pleases. In the leasehold he takes an interest defeasible on his own death, without leaving issue then living.

This rule, laid down by Lord Chancellor Parker in 1720 against the opinion of Sir Joseph Jekyll, has been loudly complained of, and diligently have the Judges endeavoured to evade it by constructions and exceptions, from which an intolerable amount of litigation has arisen; and it is hoped that a great deal of litigation may be prevented by enabling the judges to construe the words according to their natural and obvious meaning, and in the same way in which they are now construed in their application to personal estates.

My Lords, I have heard of objections being made to a legislative construction of words; but when a rule of construction which plainly violates the lawful intention of testators has been established in the courts of law, I know no way of correcting the abuse (for such it is) but by legislative interposition; and I beseech of your Lordships to consider how important it is that the courts should construe the words of a will in their plain, popular, and obvious sense. A man may have made his will in his time of health and strength, and with the ablest professional assistance: such a will is probably so expressed as to secure the execution of that which was the intention at the time when the will was made. But in the mutability of all human concerns, no man can say that the will which is now most suitable to the state of his family and affairs, will be so in the course of a few days hence, or at the time of his death. However well his affairs may now be arranged, however accurately the will already made may express his wishes at this time, a change may be necessary almost at the last moment of life, and at a time when it is impossible for him to procure the assistance of a professional man, competent to suggest the words, by the use of which alone, in the technical construction put upon them, it can be made sure that his real intentions will be carried into effect. He must take such assistance as in the emergency he can procure; words taken in their ordinary and popular sense, will probably be used: and if the courts cannot, as they now cannot, construe them in the same ordinary and popular sense, the intentions of the testator will be frustrated. I hope, therefore, that your Lordships will not object to the construction clauses introduced into this Bill.

My Lords, I have already occupied so much time, that I shall barely notice the remaining clauses in this Bill. Two of them are introduced for the purpose of making it more easy to ascertain what estate is vested in trustees, and to remove uncertainties and difficulties which have arisen from the rule which in some cases makes the estate of the trustee commensurate with the purposes of the trust which he has to execute: and there are two others which relate to lapsed devises and bequests.

When there is a gift in tail, the testator intends the issue to take if no act be done to bar the entail; and if the persons to whom the gift in tail is made, should die in the life-time of the testator, leaving issue inheritable under the intended entail, it is probably intended by the testator, that such issue should be substituted as the devisee in tail, in lieu of the person first named, and the Bill proposes to carry this probable intention into effect.

Again, it often happens that a testator gives legacies to his different children as their portions, and that some of his children marry and die in his lifetime, leaving children of their own. It is in the highest degree probable that the testator does not intend the portions of such deceased children to lapse—does not intend the children of his deceased children to be left destitute; and this Bill therefore provides, that the legacies or portions of such of the testator's children as die in his lifetime, leaving children, should take effect.

I have now endeavoured to explain, however imperfectly, the principal provisions of this Bill. If your Lordships should be pleased to adopt them, they will, I believe, be found to supersede all the statutes heretofore made on the subject, and it would seem to be more convenient to repeal those statutes.

It only remains for me to thank your Lordships for the attention which I have received, and to move that the Bill be read a second time.

Lord *Abinger* concurred in many observations and propositions of his noble and learned Friend, and though he was not altogether pleased with the phraseology of the Bill, yet it was considerably less objectionable than the last. Of that it had been said in another place that it had lain in the dormitory of that House so long as to prevent its being enacted. It had never undergone public discussion elsewhere, but it had in that House, and to him it was unintelligible at first, and not quite clear even when interpreted by the Gentleman who had drawn it. The present Bill was an important improvement on the last, and was rendered the more valuable by the fact, which his noble and learned Friend had not adverted to, that by it rights of entry and of action, or suit, might be devised or bequeathed.

Lord *Brougham* did not rise to offer a panegyric on that which required none, but to express his satisfaction that his noble and learned Friend, who had just spoken, did approve of this Bill. He was sure, that had his noble and learned Friend examined the former Bill as attentively as he appeared to have done this, he would have found no difficulty in comprehending it. There were but two differences of any importance between them, or, at the most, five. There were some clauses, however, to which, in Committee, he should propose alterations. The repeal of all the other statutes must be guarded against with great caution; especially must their Lordships consider what the effect would be of altering that part of the law of revocation which affected the marriage of a man, and the subsequent birth of a child of that marriage. If that were abolished in cases of sudden death previously to the re-execution of an old, or execution of a new will, gross injustice might be done.

Lord *Wynford* was of opinion, that the facility for willing away personal estate ought not to be greater than that which existed for the disposal of real property. He did not understand the reason why it should be permitted to a boy of seventeen years of age to will away any amount of personal property, even to the value of a million of money, while he was prevented at that age from disposing of, by testament, even a shilling's-worth of real property. He saw no good ground for establishing such a distinction, and he hoped the provisions in the Bill with regard to it would be altered.

The *Lord Chancellor* expressed great satisfaction at the unanimity of opinion expressed by their Lordships as to the principle of this Bill; and his only object in rising then was, to draw their attention to another measure, which he had the honour of introducing last Session, and which he had postponed, in order that the present Bill might take precedence of it. The object of this measure was to attach more solemnity to wills of personal estate; and that object could not be affected unless some provision were made for affording the means of strict proof. At present that matter was left entirely to the very imperfect machinery of the Ecclesiastical Courts, and the Bill for the improvement of those Courts (to which he had alluded, and which had been much discussed up stairs, but had subsequently been postponed in consequence of the necessity of passing previously some Bill of the same nature as the present) contained a clause which provided for the object in question. The two measures, taken together, would be highly beneficial. The first Bill would provide the means of properly making wills of personal property; and the other would provide means whereby the fact of their having been properly executed might be satisfactorily tried.

Bill read a second time.

HOUSE OF LORDS,

Friday, February 24, 1837.

Minutes.] Bills. Read a third time:—Post Office Contracts.—Read a first time:—Outlawry.

Petitions presented. By the Earl of Shaftesbury, the Marquess of Salisbury, and the Bishop of Durham, from Dorchester and other places, against the Abolition of Church Rates.—By the Earls of Sefton and Burlington, the Marquess of Lansdowne, Lords Poltimore and Brougham, from Middlesex, Birmingham, and other places, for the Abolition of Church Rates.—By the Marquess of Salisbury, from Saint Mary, Aldermanbury, for Exemption from the Poor Law Amendment Act.—By the Earl of Bandon, from the Medical Profession, Donegal, for the Repeal of the Grand Jury Act (Ireland) Bill.

HOUSE OF COMMONS,

Friday, February 24, 1837.

Minutes.] Bills. Read a third time:—Charity Commissioners; Sedition (Scotland).—Read a first time:—Recovery of Tenements; Public Records; Controverted Election.

Poor-law Amendment Act.] Sir *Robert Peel*, before the discussion on the Poor-law Amendment Act was entered into, had a petition to present on the subject from the medical practitioners of Bucks, complaining of the state of medical treatment and practice under the Poor-law as at present administered. He wished to know from the noble Lord if he was prepared with any amendment to the Act with respect to medical treatment. Of course inquiry would go far to point out the nature of that remedy.

Lord *John Russell* was prepared to resist any motion which would go to the repeal of the Act, or to any extensive change in its machinery or its details. At the same time, he was willing to go into an inquiry as to the working of the measure by the commissioners, though he had no doubt that it would be found that the commissioners had acted on sound principles throughout. There were, however, many highly respectable individuals who differed from the rules laid down by the commissioners with respect to medical treatment; and in the committee for which he should move as an amendment to the motion of the hon. Member for Berkshire, an inquiry would be gone into on that subject, with the view of seeing whether an improvement might not be made in the working of the Bill in that respect. In the inquiry an opportunity would be given to the Poor-law Commissioners of stating the grounds on which they acted. If, in the result of the inquiry, any amendments could be suggested for the working of the Bill, he would not object to them.

Mr. *Walter* said, that in rising to make the motion of which he had given notice it was his desire that the House should thoroughly understand that he had not himself sought the duty which he now undertook. Whatever might be his opinion of the character and consequences of the measure, to which he should call the attention of the House, on its first issuing from the original Board of Commissioners, and on its subsequent introduction into Parliament; and, however he might then have given it all the opposition in his power, yet, having done this, and the Bill having been passed into a law, he, of course, felt it his duty to bow to the decision of the majority which was against him, and therefore for a long time, studiously avoided any recurrence to the subject. At length, however, he was called from this state of acquiescence, by the complaints of his own constituents, in the first instance, and then by those of others through the country, who thought they could confide in him to attempt the removal of those mischiefs, and the alleviation of those hardships, which he had foreseen, and had foretold, would be the consequences of the Bill if it were carried into a law, and which consequences were then beginning to be felt. What he was now doing—though he did it on the maturest consideration—was really little more than obeying the calls which had been thus made upon him. He was conveying the sense of his poorer fellow-subjects, the people, to the people's House of Parliament—for such, he hoped that House would prove itself to be. But he was doing more than this; for those complaints had received such sanction from persons of higher rank, and more accurate means of observation — from the clergy he would say particularly, and from many eminent members of the magistracy—that they were not only the cries of suffering, but also the voice of reason and reflection. Upon these grounds, he called the attention of the House to them; and he entertained the more ardent hope of success, because there was nothing to oppose to these cries of complaint, and these cool and rational observations of which he had spoken, but what he considered an ill-understood view of their own interests, taken by those who had to support the poor, and the stern rules of a something called political economy. Though, in the first instance, he was opposed to the Bill altogether, and though, even last year, had any Gentlemen of decided influence in the House, proposed its entire repeal, he would have given him his support; yet he confessed that, under existing circumstances—under a consideration of the vast machinery which had been set at work from one end of the kingdom to another, he thought it his present duty to confine himself rather to an attempt to modify and abate certain evils of the system—to knock off some of the shackles upon its movement —than to aim at a total repeal of the Act, or a complete removal of the machinery that had been put into operation. He would not repeat the arguments of last year, but would briefly call to the recollection of hon. Members, the origin of one of the evils which had given occasion to the immense change which had been introduced into the state and character of the Poor-laws. The magistrates of the southern counties, in the year 1795, instead of obeying the law then in existence for regulating wages, chose to introduce a practice of their own, directing that wages should be apportioned to the numbers of the agricultural labourer's family, and that the poor-rate should be brought in aid to supply any deficiencies that might occur. The demoralising effect of this process was obvious: it banished prudence, and prudential considerations, from the marriages of the poor, and drove them into premature wedlock for the sake of raising their wages, under the pretence of large families. Such, he said, was the effect; but surely the remedy was not to be found in a totally new Poor-law, but in the recall and removal of that specific, though illegal practice, which had occasioned the mischief. He was saved much trouble in characterising this Bill, by the confessions respecting it, made at the time by the two great advocates and panegyrists of the measure in the Upper House. The right rev. Prelate who presided over the commission, on the question of an additional clause, relating to the establishment of provident institutions, spoke thus of the whole measure:—His Lordship said, that he was anxious for the introduction of that clause, "because," said he, "it is about the only one in the Bill that bears a kindly feeling towards the poor on the face of it." The

Lord Chancellor said, "that the chief point involved in this Bill, was, whether their Lordships should retain their properties or not. It was the opinion of the Commissioners—and in that opinion he concurred—that if this measure, or a measure similar to it, were not speedily adopted, the property of this country would shortly change hands." The Government organs of the press made use also of similar language—"We require a dictatorship for a time." From these three sources any one might clearly come to the result, what kind of a Bill it would be. It was to be inflicted by despotic power—it had nothing in it indicative of a kindly feeling towards those who were to be its victims, and it appeared to have been founded chiefly on the false assumption, that unless it was passed, all the property of the country would go into other hands. The Bill, it was said, was to establish an uniform system throughout the country. Had such been the case, or was it likely to be so? Let the squabbles which had so frequently taken place between the parishes and the commissioners, sometimes one gaining a point, and sometimes another—let these squabbles, he said, and their contradictory issues, answer the question. Uniformity of system, indeed! Why, how far did their system extend? In many of the most populous districts, and where, if it had been good for anything, it ought to have been first imposed, it had not been introduced—no attempt had even been ventured upon to introduce it. In some populous districts, the Commissioners had been pelted and driven away by an indignant population. In other places, the guardians, impelled by a humane principle, had set the Central Board at defiance. In order to constitute a uniform system, the law itself ought to be uniform. But they had been told in this law, that the Commissioners themselves might relax its stringent operation; that was, in other words, they might apply it partially. Was that uniformity? The truth was, that what was meant by this relaxation, was, that the Commissioners were to impose it on the timid and weak, but to abstain where they dreaded opposition. The evils of the new system were of two kinds: as of every other tyrannical operation, there were the two extremes. The confinement was intolerable, and therefore they who had vainly attempted to bear it, or who had shrunk from the hopeless experiment, were flung upon the wide world. Hence came the encouragement, and all the snares and artifices which had been practised with regard to emigration. It was admitted on all hands, that there should be no compulsory emigration; that was to say, they all agreed that no Act of Parliament could be passed to force the people to emigrate. Why, then, did they do by a side blow, what they confessed must not be attempted openly? It was true the people were not carried off by force; but fraud, deception, and unfounded representations, constituted the worst kind of coertion. If their workhouses had been endurable under the new system, who would have thought of breaking all the ties of kindred, locality, and everything else that binds man to the place of his birth, and to all its kindly associations? Having broken these ties, and he must say, through the injustice and severity practised on them at home in their native country, what must be their feelings towards that country in foreign regions? If they continued to love it, so much the more unfeeling must that system have been which forced such hearts away. That they might feel the movements of indignation and revenge for such treatment, and that they might convey such resentments to their posterity, was but too probable. General Stewart, in speaking of the compulsory emigration of the Highlanders, many years ago, said, "I have been told by intelligent officers who served in Canada during the last war, that they found the Highland emigrants more fierce in their animosity against England, than even the native Americans." His remarks upon this subject must be understood to extend only to Poor-law plans of emigration, the motives of which had been made obvious. Now, how stood the case with our Poor-law Commissioners? The victims of their expatriation were really crushed, if he might use the expression, out of their native land by harsh treatment. He would read passages from their own report, from which it would appear that the principle of their success in inducing to emigrate, was the poor having nothing at home to look to but those vast prisons—the union workhouses. They said—"In the case of any real surplus of population being found to exist, we have already announced our intention of endeavouring to provide for it, either by emigration to some of our colonies, or by migration to some home district, in which an effective demand for labour might be found to prevail. In conformity with the intention thus expressed, we have thought it necessary to enable many parishes in the south-eastern districts of England—particularly in Norfolk, Suffolk, Sussex, and parts of Wiltshire, where a redundancy of labour was most complained of—to raise the necessary funds for the conveyance of numerous emigrants, who have proceeded chiefly to Toronto, in Upper Canada." It appeared that the whole number of persons thus driven from their country, under the superintendence of the Commissioners, last year, was 5,140; of whom upwards of 3,000 were taken from Norfolk alone. A friend of his saw 217 of them packed in a single waggon. Gentlemen might laugh and think this incredible, but he had made a calculation, and found that the weight in such a waggon would be about seven tons. The proportions of able-bodied men, to women and children were not stated; but some idea might be formed on this subject, from the statement of the proportions sent from Downton, in Wiltshire. It appeared that out of 200 persons sent from that parish, there were only "seventy lads and able-bodied men;" the remaining 130 must therefore have been women and children, and in case of a father's death, what was to become of the survivors? Nor did it appear, upon the Assistant-commissioners' own showing, that this emigration was necessary; for he added, "It is a matter of very great difficulty to ascertain, even with an approximation to truth, the actual existence of a superabundance of labourers. I can instance scarcely a single parish, in which there is not ample employment in the summer season. In winter, men are too frequently discharged, not because there is not profitable labour for them, but because their services can be spared, and the small occupiers of land are too distressed to incur expenses, not absolutely indispensable." — He would now read to the House a few of the cases which had been sent to him. He would begin by reading the letter of a highly respectable gentleman, a clergyman and a magistrate in the county of Sussex, because it seemed to comprise the whole process and working of the Bill in that gentleman's neighbourhood:—"The Poor-law Report says much on the beauties and benefits of migration to Manchester. I will mention the case of a family belonging to the adjoining parish. The man is aged forty-seven, and his wife thirty-eight. They have seven children, the eldest a girl of fifteen, in place, the remaining six are to maintain. Being out of work five weeks before last Christmas, the man applied to the Board for work or relief. They told him they could give him neither; he must seek out and get work. At last the Assistant Poor-law Commissioner said, "Why don't you take all your family, and go to Manchester; you will there earn 1*l.* a-week?" probably thinking that the man would object to this. But not so; the man replied, "I am an old soldier. I care not where I go, so as I can get a living; I am ready to go to Manchester, or anywhere else.' "Very well (says the Commissioner), you shall go." So fine formal papers were procured, duly filled up, signed and countersigned by minister, officers, &c., and the parish promised to pay his expenses. The man, in the interim, is put on the roads at 9*s.* per week, whereon for himself and family to luxuriate till the order should arrive from a person called the migration officer, for him and his family to start for this promised Eldorado. But weeks passed away, and no answer from the said functionary arrives. The Assistant-Commissioner writes in vain. At length, towards the close of January, he desires the clerk of the union to write also. The reply is, there is no work for the man now; possibly there may be in the spring! Thus has this poor fellow been kept on the tenter-hooks, ever since November, on 9*s.* a week, though sometimes, by special favour, he is permitted to go to the stone-quarry, and earn 10*s.*, but he must not earn more; and thus bursts this migration bubble. My informant calculates, that if the man's wages are 10*s.* a-week, after providing flour and rent for his family, he has 1*s.* 1*d.* a-week for clothes, shoes, and fuel, for eight persons, and only 1d. a-week for the same purposes, if he has only 9*s.* a-week. But when the Assistant-Commissioner discovers that the Manchester humbug will not go down, he says, "Well, but you can go to the rail-roads—they are at a stand for want of men!" The answer to this is, the railroad work is such as stiff-limbed men of between forty-five and sixty cannot undertake, being quite new to them; and if they could, the wages that can be earned are not such as will enable a man to live out at quarters, and send home enough to sustain a wife and six children. "Well, then, (says the Commissioner), let the young men go to the railroads; they can earn there great wages!" So the young men are refused either work or relief, or assistance to emigrate, and are told to go to the railroads. To the railroads they go; they come back. "What do you want?" "Work." "Work! why I thought you had gone to get work on the railroad?" "So I did." "Well?" "I could not get any." "I do not believe a word you say; you are idle, so you may starve." Such is the kind of dialogue that takes place. Now let us look to the facts. This circumstance, of young men having gone to the railroads for work, and having come back again, saying they could get none, having been several times brought to the notice of the Petworth Board of Guardians, they sent their relieving officer to Winchester, for the express purpose of ascertaining the real truth. He returned, and reported that there was no work to be had. The leading principle and practice of the new law seems to be, to harass the poor man, to make him run about from place to place, from one functionary to another whether he wants medical aid, relief, or work, until at last, utterly worn out, he sits down in hopeless despondency. His informant next mentioned the case of a day-labourer's wife, the mother of six children, all under twelve years of age, who was suddenly taken ill. Her husband was obliged to leave his work, to apply to the relieving officer for medical assistance for her, but was informed that it could not be granted. Why? "Because this union gives relief to the man only, not to his family." The man represented this answer to the Board of Guardians, and, strange as it may appear in a Christian country, the Board approved of it. His informant, referring to the report of the Poor-law Commissioners, adverted to the notoriousfact, that they brought forward no evidence but that of their dependents—that they did not mention the season, or even month of the year at which the evidence on which they relied was given—that they made an assertion, which was perhaps applicable to harvest time, "that the poor are now all employed," applicable to the whole year—and that they garbled or suppressed the evidence they received, just as suited their own purpose. Of this his informant mentioned one instance, so extraordinary, that he could not refrain from mentioning it to the House. "The clerk to the Petworth Union," said the rev. gentleman, "wrote a letter to the Commissioners, stating, as might be seen in their report, that 'the people were much more orderly, &c., than they had been heretofore, in the town of Petworth.' All this was true, as far as it went; but the Commissioners had most dexterously availed themselves of the beginning of that letter, thereby to prove that all this amelioration had been produced by the operation of the new law; but they found it convenient to stop short at that precise point of the clerk's letter, where he went on to observe, that this state of tranquillity was owing to the parish having been recently placed under the provisions of the Police Act, to a regular system of police having been established, and to the town being lighted. The disorders which attack the poor come on suddenly, are rapid in their progress, and fatal in their consequences, unless attended to early. The forms necessary to obtain relief are so tedious, and so difficult, that the patient incurs a serious risk of dying before they are complied with. Suppose a labourer's wife to be attacked with inflammation, and her hushand to have to leave his work, and to run about from one officer to another, to get the necessary forms completed, she may be dead before those forms are gone through, even allowing the Board to be softened at last, and to give directions for the attendance of the surgeon. In fact, the sole object of some people seems to be, to diminish the expense, no matter how; and if the population happens to be diminished by the consequences of the process, why, in the minds of many persons, it is an additional recommendation to it. A case occurred last week in this parish. A widow with a family was taken violently ill with the prevailing disorder. I was informed of the fact, went to see her, and found her in a very bad state. The relieving officer I knew was from home; and though, under the Gilbert Act, I had been visitor of the parish for twenty years, yet, under the new regime, I possessed no power. However, in passing through the town, I fortunately fell in with the union doctor, to whom I stated the case, observing, that I had no power to give an order for his attendance. He kindly said he would see the poor woman without delay. He did so, bled her, and administered such medicines as he judged necessary. The poor woman is now convalescent; but had it not been for the fortunate circumstance of my finding the doctor, and the still more fortunate one of his being a man of humane feelings, she would probably, ere this, have been no more. A most cruel practice is followed under the new system, which is, to deny to the pauper what frequently is the only solace of his departing moments—the hope that his dust will be gathered to the dust of his forefathers—that his remains will be placed by the side of a father, a mother, a wife, or a child, who have gone before him. But no; this is a luxury of feeling, an overflowing of hope, not to be permitted to approach the workhouse bedside. Where the pauper dies, there he is to be buried. And in perpetrating this cruelty to the pauper, a great injustice is superadded, not only to the officiating clergyman, but also to the rate-payers of the parish which has been so unfortunate as to have an united poor-house established within its precincts. The clergyman is called (and attempts have been made to compel him) to bury all who may die in the said House; and the parish, be it small or large, is to be taxed to find burial room. Another piece of injustice is also committed. These unhappy people are brought to an union workhouse, elderly persons, who from their time of life, and increasing infirmities, may think their end approaching: persons broken down by long illness, or who have met with some alarming accident, may much wish for the attendance of a clergyman: mothers, anxious by the doubtful state of their new-born offspring, are desirous that they should be baptised without delay. Some or other of such persons are constantly sending to the minister of the parish where this union house is situated, to entreat him to attend them. If he is a man of humane and Christian feelings, he will not hesitate to go to these afflicted people; and in doing so, will feel within his own breast a reward, far beyond all that the Poor-law Commissioners can give or refuse; but looking at the matter in another and secular point of view, what right have any set of men thus to act? Do these Poor-law Commissioners work for nothing? No; upon what principle, then, of common honesty, or common practice in the ordinary affairs of life, do they expect of the clergy generally, that they should gratuitously attend to calls thus unjustly made upon them?" [Cries of "*Read, read,*" and interruptions.] The interruptions, said Mr. Walter, within the walls of that House—even if they amount to the howlings with which the neighbourhood rung two nights ago, shall not prevent me from making known the cries of the poor out of it.

Mr. *Curteis* rose to order. The hon. Gentleman was reading a speech to the House; it was, in effect, reading a speech, and he submitted that that was contrary to the regulations of the House—it was a breach of order. As to the communication stated to have been received from a clerical magistrate in Sussex, he had only to say, that in Sussex there were no clergymen in the commission of the peace.

Mr. *Walter* replied, that he believed the letter came from a gentleman who was both a clergyman and magistrate—such certainly was his impression.

The *Speaker* said, that it certainly was contrary to the practice of the House, and a breach of order, for any hon. Member to read a speech, but, at the same time, there could be no doubt with respect to the liberty of reading documents, extracts, or communications.

Mr. *Walter* said, he was merely reading a letter—he was literally reading a letter which had been addressed to him. The hon. Member then proceeded to read as follows:—

> "Ten days ago I was suffering from an attack of cold, and thought that the prevailing epidemic was coming upon me. I had just been sent for, to a house, where the mother was dead, and the daughter-in-law dying of the disorder. In my return from thence, in the damp of the evening, I was met by a messenger, saying that a child of a woman who had been brought into our united workhouse, from a parish eleven miles distant, was dying, and she wished it to be baptised. I conceived that I had nothing whatever to do, rigidly speaking, with this poor infant; it belonged not to my parish; it had been obtruded into our workhouse without any act or consent of mine; and I was not bound to be chaplain to all who might thus be sent thither. A chaplain ought to have been provided by those who made these arrangements. But, on the other hand, I reflected that a child was not to die unbaptised, that a mother was not to be made wretched, because a set of brutal, or, to use a mild term, thoughtless men, had, in the language of the Poor-law Commissioners, made 'an order,' and with the right liberal spirit of

the day, left all the rest to chance, the god of their fondest worship: so I went, at much risk to my own health, and baptised the child, and on the same principle I have buried their dead; but I strongly protest against being called upon to do either, and maintain that, where masses are brought together under this new law, neither commissioners nor guardians have any right to lay an additional burthen upon the minister of a parish, or to call upon the parishioners to find burial room for as many as they may be pleased to send thither, to look for their last earthly location."

Another clergyman had furnished him with the following case:—

"The union to which my parish is annexed, is the Paulerspury and Stoney Stratford Union, consisting of fifteen parishes, a population of about 8,000, and the guardians all renting farmers and tradesmen."

Mr. *Curties* again rose, observing that the hon. Member for Berkshire was reading a printed letter.

Mr. *Walter* said, that these interruptions were really most unhandsome on the part of the hon. Member. The last letter which he read to the House was from a clergyman well known to him. As to the remark of the hon. Member for Sussex, respecting the form of his documents and extracts, he conceived that he had a right to use them in the form most convenient to himself. He should now, with the permission of the House, proceed with the letter:—

"The board is held now once a fortnight at Stony Stratford, the extreme point of the union which extends nearly nine miles. There was only one relieving officer and one medical man till the spring of 1836 (when another surgeon was appointed to the union); consequently many of the paupers had to send eight miles for relief. In 1836 I made several representations to the Poor-law Commissioners of repeated instances of cruel and oppressive cases. One man had to send near twenty miles before he could obtain any medical assistants. No distinction is made between the honest, industrious labourer, the old and infirm pauper, the idle and dissolute. The allowances to the poor are by no means equal to their absolute wants. One instance will suffice for all. An industrious, sober, and hard working labourer, with a wife and three young children, had no work for seven weeks; he went for relief or work to the board, but could find none; he asked my advice; I told him to go to the board of guardians; for several weeks they would neither give him relief nor work; at last they allowed him four small loaves for himself his wife, and three young children, and they told him to walk every morning for bread from Pury to Stratford (six miles), then to Yardly Gobion, nearly five miles, and the distance to his house was four more; this he did for many weeks. Another man, of good character, complained to me that he had no work, and no adequate means of supporting himself and family; I sent him to the board, and the following conversation took place between the pauper and the chairman, a tenant of the Duke of Grafton's and a parishioner of mine:—'What is your name, and what do you want?'—'Work or relief.'—'Who sent you here?'—'Mr.——.' 'Why did not Mr. —— come himself, or employ you, or lower his tithes?' This wise remark was made at a time when there were weekly robberies and fires in the neighbourhood. I went up to London immediately, and named to one of the Central Board myself the conduct of the chairman; he merely observed, 'If this be true, it is very bad.' The poor were living, from 1835 to the spring of 1836, in a poor-house not weather proof, the rain pouring in on the wretched inmates as they lay in their beds; no means of religious instruction, no classification, or employment for the paupers. The sick poor of Ashton and Hartwell have been grossly neglected by the relieving officer. A poor sick pauper of Hartwell (I speak on the best authority) died in consequence of the carelessness of the relieving officer and board of guardians."

Another clergyman wrote thus from Stoke Ash, in Suffolk:—

"I shall lay a simple statement of a case before you, which, occurring as it did in my own parish, and verified as it has been upon oath before me, will serve to show the cruel, tyrannical, and merciless operation of that act which professes to have been instituted for the benefit of the truly distressed poor. An able bodied labourer in the parish of Stoke Ash, in the county of Suffolk, having a family of ten children (two at service, eight were living at home with their father and mother), without employment and without victuals, applied on Tuesday, the 15th of November last, to the board of guardians at Eye, to request some relief, and was refused. On Thursday, the 17th, he was compelled to leave his wife and family to seek for work. On Tuesday, the 22d, his wife informed the relieving officer she was going to the board of guardians to apply for relief, as her husband was gone from home after work, and she had no victuals; he said, she might return home, the guardians would not relieve her, and she did return home without money or food. Subjoined are a number of affidavits which show the severe privations which the woman had fortitude enough to endure rather than be immured with her family in the workhouse during the seven weeks and a half her husband was absent. He returned home, it appears, on the 8th of January, 1837, having been absent seven weeks and three days. He could only get ten days and a half work the time he was gone; of course he brought no money home. His wife and family had very little else to eat but dry bread the time he was absent, and some days only turnips. When he came home he had no employment, and could get no relief from the board of guardians, until Tuesday, the 24th; he was ill, and his wife applied. They had no money or victuals, and waited until four o'clock before she got any allowance. She had then to go to the relieving officer for the order of four stone of flour; he would not give it to her that night, but forced her to go the next morning to Mendlesham for it (about seven miles there and back again). When she returned home she had to bake and could not get it ready for her children before six o'clock, and they were without victuals from Tuesday morning to Wednesday night. Friday is the day fixed upon for the relieving officer to pay the poor of my parish; they are to meet him at two o'clock. On Friday, the 11th of November, they assembled at the usual place of receiving their allowance. He did not come before six o'clock. He told them he would not pay them that night, and ordered them to meet him on the Saturday at two o'clock. They went,—he did not attend, but went to another House where he had never paid them, and left their allowance. The relieving officer comes into the parish without knowing the state of the poor, and pays those only who are upon his book. I hope you will endeavour to do away with such men. Why not pay a salary to the overseer of the parish, who knows their distresses? Where that system is pursued of not relieving able-bodied labourers who have large families, they must inevitably perish. Flower is 2*s.* 4*d.* per stone, labour 1*s.* 6*d.* per day, and I do assure you our labourers with large families are starving."

There were two other cases in the same communication, but being unwilling to trespass too far upon the indulgence of the House, he should not read them. He wished now to call attention to the statements he had received respecting the Union of Droxford. The hon. Member then read as follows:—

"The Union of Droxford comprises eleven parishes, containing a population of near 10,000, mostly paupers and labourers. Just before Christmas last the guardians reduced the number of their relieving officers from three to one. The consequence has been a great increase of suffering to the poor? for instance, the parish of Hambledon, having a population of more than 2,000 persons, is visited in a hasty way by the relieving officer twice in the week, Mondays and Fridays; and the medical man there states, that he has had during the past month fifty applications for attendance and immediate want of relief at the beginning of the week, which were obliged to remain unattended till the officers should come on the Friday. I leave you to judge what extreme distress must thus ensue, when families are afflicted with illness which requires prompt relief. Many of the poor are situate six and seven miles from the relieving officer's residence, and he from necessary press of business has never visited a great many of the most distressed and afflicted families. The guardian of a neighbouring parish came to me a few days ago to ask me to try and influence the poor to migrate to Manchester, when he stated that according to the present scale of parish relief, it was impossible for the poor to live without stealing. I can mention the names of several clergymen in this neighbourhood who, though at first decidedly in favour of the Poor-law Act, have declared to me, that many families in their parishes have been reduced to the greatest state of destitution, and must have been nearly starved except for private charity. Three children were sent from the Fareham Union workhouse the week before last to Waltham poor-house, a distance of about seven miles; when the children arrived (they came in a cart) they could not stand, the medical man was sent for, and there appears no disease in the children, but prostration of strength from want of food. The ages of the children are four, five, and six. I have seen them all this day; they look beyond description wretched, and two have marks on their bodies of having been severely beaten, which the children state they have been, and kept without food."

Another gentleman wrote to him thus from Berkshire:—

"The Commissioners report that allowances have been easily stopped, and without producing murmurs and complaints. True; but this is due in a great measure to the patience and fortitude with which the poor have endured their privations. A gentleman who has the best means of knowing, in the Bradfield Union, told me on Saturday, that the distress and sufferings he witnesses are inconceivable. I, this morning, procured the particulars of the subsistence of one family in my parish; half an ounce of tea, half a pound of sugar, one pound of lard, one pound of cheese, besides dry bread, for man and wife, and four children. These people endure, and therefore the Commissioners say there is no distress. In the Bradford Union the Board advances loans. Brown, whom a medical person will not pronounce able-bodied, is paying back a small sum given in relief to him when he was ill in the summer. His wife carried six-pence out of the remaining eight-pence halfpenny last week, and was told, she must, without fail, bring the other two-pence halfpenny. I have spoken with persons connected with boards of guardians in different counties, and have been answered, 'We go on very well,' but with the additional observation, 'we have no such practices' (viz. those of the Bradford Union); 'we have been obliged to fight the Commissioners a good deal, and resist their orders.' One gentleman, from Cambridgeshire, said, 'The success seems to depend on there being a good board of guardians, who will not be driven by the Commissioners.' Now I am writing on this subject, I cannot help adverting to a letter in the first report of the Commissioners, from Mr. Thomas Stevens, the new Assistant-Commissioner of Bradfield: he says, 'I have just signed a distress warrant to seize the goods of J. Lovegrove, who earns 12*s.* weekly, and has refused to support his mother. I hear that the goods have been disposed of, and there is not sufficient to answer the distress. Upon the constable's return to this effect, we shall commit him to prison for the full term allowed by law.' This was done. Now Lovegrove's case was this—his mother had been allowed 1*s.* per week, he doing all the rest for her. He was sitting an excellent example to young men, and had been some time engaged to a very respectable young woman, but he put off his marriage in order that he might be able to do something for his aged mother, and get together something previous to marriage. There are many observations in that report very harsh towards the poor, and arguments which appear to me quite unsupported by facts."

Lovegrove was since married, and was no longer called upon to make an allowance to his mother.

"The treatment of the helpless poor in Bradfield Union (his correspondent continued) is as follows:—A widow woman, very infirm and old, half a gallon of bread, one ounce of tea, half a pound of sugar and 1*s.* 4*d.*,—2*s.* 7*d.* Allowance to a man and wife, the man being very slowly recovering from influenza, and much debilitated—these are people of sixty-three or thereabouts—one gallon of bread, one ounce of tea, half a pound of sugar, three pennyworth of oatmeal, one pound of mutton, and 1*s.* making 3*s.* 8*d.* Case of a man and wife with four children, young people, but the man ruptured and asthmatic, therefore not able bodied. In the autumn the man was confined two weeks by sickness; the wife the second week applied for assistance, and received bread, tea, and sugar, to the value of 4*s.* 8½*d.* This money they have been made to repay during the winter by sixpence at a time. The board gives no assistance to widows under sixty out of the workhouse, so that a poor woman left with four or five children is obliged, like the widow Kerridge, to go to prison, with little or no prospect of release, for six or seven years. One poor woman, lately bereaved of her husband, has eight children, two daughters at service, who pay her rent, a third, aged seventeen, who can only occasionally get work, two boys, aged fifteen and thirteen, who earn five shillings between them, and three younger, who cannot work, get no assistance, and are half starved. Another widow has four young children, and three grown up; her husband had been confined to his bed with a very painful disease for some years before his death; upon his decease all allowance to her was stopped; she has lately been ill three weeks; she was given during one week only two gallons of bread, one ounce of tea, half a pound of butter, half a pound of sugar—3*s.* 8*d.* She was very ill when I saw her, and allowed to be so by the medical attendant, but there was nothing for her. I give you the whole weekly consumption of two families:—1st. A man and wife, and four children—five and a half gallons of bread, half an ounce of tea, half a pound of sugar, one pound of lard, and one pound of cheese. A man and wife, and five children—besides bread, one ounce of tea, one pound of sugar, one pound of lard, half a pound of butter, and six pennyworth of bacon occasionally."

A highly respectable gentleman at Newbury sent him an account of the following inquest, held at Welford, in the county of Berks, the beginning of this month, on a poor woman named Lucy Watts, sixty-two years of age. She was a widow, her husband having died about nine weeks previously. She was found dead in her bed. The verdict was,

"That the said Lucy Watts had been very infirm and sickly for some time past, and a cripple in one hand and one leg; that she was very badly off, having barely the necessaries of life to subsist on. She was refused any allowance by the Board of Guardians, except the offer of going into the poor-house, which she refused, saying, she had rather die at home, if her neighbours would but look to her a little. There was only a crust of bread in the house, which belonged to her son, who received only 4*s.* 6*d.* weekly wages. She had no fuel, having been obliged to cut down a plum-tree in her garden to boil her kettle. The neighbours consider she died from want and neglect, not having the necessaries of life to subsist on, although a very honest and industrious woman."

That was the verdict of the jury. The coroner held an inquest on the husband also (about nine weeks previously),

"A poor, old, miserable, half-starved man, who was seeking for work, but whom nobody would employ; and who, from a slight bite of a dog, which occasioned the loss of blood from his leg, fainted at the door of the farmer's house where he was requesting work, and he sank from exhaustion the same evening."

The gentleman who sent him this account, says—

"Dying they are in great numbers, and die they will, sooner than go into the bastile, as they call it, as did the poor woman herein mentioned."

A gentleman, who has served the office of overseer of the poor for the parish of Stoke Damarel, which comprised the borough of Devonport, informed him, that in that parish, which contained a population of 35,000 souls, the Board of Guardians had determined to reduce the number of relieving officers from three to one.

"What has been the result? The parish is now in a state of excitement owing to a public declaration of the overseers, that in their opinion the poor are dying from want of proper relief—which the relieving officer declares he cannot properly attend to, while the overseers, are forbidden to relieve at all. In our neighbourhood last week a pauper died from neglect; a coroner's inquest sat, and the verdict was, that the relieving-officer had neglected him. The relieving-officer pleaded forgetfulness—but the fact is, that he is overwhelmed with duty, to save salaries, in order that the Poor-law Commissioners and their assistants may have large ones."

A magistrate wrote from Dolgelly, and said—

"An Assistant-Commissioner has been here, and having had his Board of Guardians appointed (which was obtained by interested persons, who wanted the lucrative offices), he has ordered an union of twelve parishes, one and all of which are against it, believing that it will add greatly to their expense, and in the same degree decrease the comfort of the poor people. They are, to be sure, numerous, owing to their longevity, but from their former poverty of living easily kept. In this parish, which contains nearly 4-19ths of the twelve of the union, there are 530 out of much more than 4,000 inhabitants who receive relief, but they receive only 1,348*l.*, being not quite 51*s.* a-head per year, or not 1*s.* a-head per week, and not nearly 2*s.* in the pound on the rack-rent. Upon inquiry, I am sure it will appear that the other parishes are not in a worse position, but some of them better. Can any alteration mend this? Nothing but starvation can; and I am satisfied that most of our poor would starve rather than enter the workhouse. It is on the score of humanity that I appeal to you to save the hearts of my poor old neighbours from being broken. I really heard from good authority this morning, that a poor woman near me had become deranged through fear of the workhouse."

The hon. Member next read a letter which he had received from the Mayor of Morpeth:—

"In that part of the country where I reside, in Morpeth, in the county of Northumberland, there has lately been a union formed for that town, called the 'Morpeth Union,' embracing sixty or seventy neighbouring townships. I was appointed a guardian, and from what I have seen of the working of the measure, I am fully convinced that a more cruel and unjust Bill never passed the House of Commons. I have seen the feelings of the aged and infirm wounded in the most brutal manner, and their pressing wants ridiculed and neglected. I can only in this brief note allude to the general workings of the Bill; but I shall mention that there have been very recently two suicides in this union by labouring men, from poor-law oppressions. The Board of Guardians for this same union have only a few days ago resolved, that the common decencies of Christian burial shall not be observed, as heretofore, towards deceased paupers. This has created, both in town and neighbourhood, a strong and unmingled feeling of indignation and disgust; but whether this public expression will effect the rescinding of the order, I cannot say. I could mention individual cases of great hardship, but as you will have a greater number of similar ones from other districts, I shall not trouble you with matters of detail. The whole of this legislative measure is, in my humble opinion, pregnant with cruelty and violence, makes war upon the most defenceless class of society, and tends to tear asunder all those tender feelings and sympathies between the middling and lower ranks of life, which are so necessary towards maintaining the real happiness and strength of a state."

Some of the most interesting and affecting cases which he had received in illustration of the privation, hardship, and oppression inflicted on the poor by the present system of Poor-laws, had been furnished him by Mr. Lewin, a very respectable occupier of land at Wickham Market, in the county of Suffolk. He must decline, however, entering upon them at present, because they would detain the House too long were he to go fully into their details, and he should be loth to weaken their effect by an imperfect abridgment of them. He summed up his letter thus:—

"I have an account of several whole parishes where more than half those who actually want relief, and used to get it, are now deprived of the benefit of the poor-law altogether, and something like half the number, all the oldest and most helpless, are only left on their books, and these are screwed down to an average of 15*d.*, and some to 14*d.* per week, and if they have only 6*d.* to pay for rent, then they have little more than 1*d.* each per day to live on! and they dare not complain. If they do, they have nothing, but the prison workhouse, where the living and treatment have, as they believe, in many instances, brought on diseases from which the parties have never recovered, and they say they may as well perish outside a prison as perish in. Can any man, with such facts before him, say this is working well for the poor? I must beg it to be clearly understood, that these are not a few individual cases. I have similar cases of some hundreds, and they are samples of many thousands, and are taken from several different unions and counties."

He should fatigue the House were he to detail half the cases of cruelty and hardship which had lately come to his knowledge arising out of this Bill. They had had petitions presented to them from thousands of persons, including clergymen, magistrates, guardians of the poor, and others, the best judges, praying for its amendment. He knew of some guardians, one the chairman of a board, who, from humane feelings, were induced, with great difficulty, to retain their situations. With respect to the last report of the central board, on which, doubtless, great stress would be laid, he should only say, that he had reason to believe that many of the statements would be disproved. To a certain extent he had the means of doing so in his possession. It was a part of their duty to support that system which supported them. It would be very odd, if twenty-five commissioners, receiving salaries amounting to 39,000*l.* per annum, could not get up a work laudatory of their own exertions. That, however, was a matter for the consideration of a committee with unrestrained powers, which the noble Lord would not grant. The noble Lord might depend on it, that he would find it very difficult to make the public disbelieve that the most powerful, if not the only reason, for this refusal, was to screen the Commissioners, and prevent the exposure of their false and exaggerated statements. Nor would this opinion of the public be at all unreasonable, when it was recollected how many deceptions had been practised on the subject of this law. The country had been told by Lord Althorp that outdoor relief would be extended by the Bill rather than otherwise, while Lord Brougham went so far as to say, that he doubted whether any one had ever even dreamt of any separation between husband and wife, and parent and child. How had these promises been kept? The House had also been told that the Chief Commissioners were to have only 1,000*l.* a-year, whereas they received double that sum. The Assistant-Commissioners were to be only eight or ten in number, with 800*l.* a-year; there are now twenty-two of them, with 1,500*l.* a-year. Ought not the cause of these costly charges to be examined into? The Commissioners had increased their own salaries; but had they made a corresponding increase to the pitiful allowance of the poor? At that moment he had in his pocket a copy of a humble petition from a Board of Guardians to the mighty Commissioners, praying to be allowed to give the aged poor an additional allowance of two ounces of bread per day. They had already once had a refusal. This was the last thing he should have expected from a Ministry which was pledged to diminish patronage, not to originate fresh fountains of it; which was bound to confer privileges on the people, not to diminish the few and little necessaries of the most helpless part of them, and to consign them to strangers. On the subject of improvident marriages, on which so much had been said, and which had been so strongly deprecated as the source of evils in this country, he hoped the House would allow him to read part of a letter from a personage whose name must be familiar to many in that House; he meant the Styrian friend and correspondent of Captain Basil Hall, and who had many opportunities of observing the consequences resulting from the prohibition of any other than what were called prudential marriages among the poor. This personage, a lady, too, of Scottish extraction, thus wrote:—

> "We have no poor (that is, in the province of Styria), which, owing to the question in England respecting the Poor-laws, is deserving of being noticed. No man is allowed to marry till he can prove he is able to maintain a wife and children: and this, with the law of celibacy of the clergy, and the security required by a pecuniary deposit of the military before they can marry—almost an act of celibacy—are checks on population, which would make the hearts of Mr. Malthus and Miss Martineau burn in them for admiration. The result is, the entire demoralisation of the people. The mask of religion helps nothing. At the last grand jubilee in the next parish seventy-two pairs of single women adorned the procession, dressed in white, and covered with garlands and flowers. In eight months forty-four of them were in the family way. Madame Nature is not a political economist, and she does not let her laws be outraged with impunity."

From every account that he had heard, he had reason to infer that a great increase of the crime of infanticide had taken place in consequence of the New Bastardy Law; and this result was foreseen and predicted by seventy-one members of the other House. He would content himself with reading one clause in the Leicester petition upon the subject.

"We cannot omit, also, expressing our unqualified dissent from the principles of (what are termed) the bastardy clauses in the Act; offering, as they do, in our view, a direct premium for infanticide, and consigning in many instances, as they must, helpless and deceived females, to permanent degradation and misery."

And among a mass of evidence to the same effect, he would also select the verdict of a coroner's jury last summer—

"That the infants were found indecently exposed; but whether born alive, or otherwise, there was no evidence; and the jury were of opinion, that the desertion of the children by the parent, was attributable to the injustice and demoralising effects of the bastardy clause of the new Poor Bill."

The House would be pleased to observe, that these and other cases were incidental evils only, which he was obliged to pass over rapidly, in order to leave himself time for the other heavy evils of the system. One of those heavy grievances was, the magnitude and extent of the unions. Originally, it did not appear to have been intended to comprise more than five or six parishes within one union. Such an arrangement might have allowed the helpless inmates to indulge a hope of seeing their friends on some occasions or other. But now they had been extended to thirty, forty, and even fifty parishes. It was, therefore, a day's journey for a wretched son to go and see a confined mother. But this evil was well anticipated in a humane protest of a right rev. Prelate, and several Members of the Upper House, who, after enumerating the various demerits of the Bill, which they styled unjust and cruel to the poor, proceeded thus:—

"We think that the system suggested in the Bill, of consolidating immensely extensive unions of parishes, and establishing workhouses necessarily, at great distances from many parishes, and thereby dividing families, and removing children from their parents, merely because they are poor, will be found justly abhorrent to the best feelings of the general population of the country."

What would their Lordships have said, if any one had suggested the possibility, that exclusion from public worship, would have been added to the pains and penalties of poverty? To show how little credit was due to the statements made in the last report of these Commissioners, he would read to the House the contradictory accounts which they themselves put forth respecting one particular union —the Biggleswade Union. One individual said;—

"I consider the new Poor-law acts remarkably well, and is one of the best that was ever passed by any Legislature. The check it has put upon drunkenness, with the incentive given to make the best they can of every shilling they receive, is truly wonderful. Our beer-shops were crowded on the Sabbath, from morning till evening; and now I believe very few enter them at all on that day, and almost all go to some place of worship. We are paying our labourers 1*s.* per week more than we did previously to the advance in wheat. We now give them 8*s.* per week. I believe there never was more contentment between the employer and the employed than at present. The number of misdemeanours has greatly diminished."

But a second witness said:—

"They frequent the alehouse quite as much. I think it quite out of the question for a man with a family to save money out of 8*s.* a-week. Their rents average 1*s.* 6*d.*, and clubs 6*d.* a-week, to deduct from that sum."

A third person said:—

"Poaching, and petty depredations, have increased in this parish, double to any former year."

A fourth said:—

"I am not of opinion that poaching, and petty depredations, have at all diminished; but that the greater crime of sheep-stealing has increased to a tenfold degree."

And with respect to the beer-shops, another person said:—

"They increase daily in number, and the quantity of money spent in them by the labourers is very great. I may be wrong, but I consider them, as at present, constituting the chief obstacle to the assumption of orderly and domestic habits by the labourer. He can hardly return to his cottage at night without passing by one of them; and when he sees a companion or two there, and a comfortable room, and a blazing fire, and knows that he shall be met at home by all the wants of poverty, it is a great temptation to him to enter in and enjoy its luxuries."

As great stress had been laid upon the improvement of wages, and the raising the character of the independent labourer —as the economists styled him—it was admitted in the report, that in most parts of the country, his independence was raised to the noble sum of 8*s.*, 7*s.*, and even 6*s.* per week. He knew that in two counties at least, the chairmen of quarter Sessions had found themselves obliged to address the grand juries in the way of complaint, respecting the lowness of wages. Indeed, could anything be more clear, brief, and cogent, than the reasoning, that the more the workhouse was rendered an object of dread, to a lower state of poverty would the poor man submit, rather than go into it? With respect to these official reports, he had already shown the suspicion with which they ought to be received. Gentlemen might recollect the mention, the other night, by the noble Lord, in introducing his Irish Poor Bill, of a parish called Cholesbury. He adduced that parish as an example or warning, in legislating for the poor of Ireland, as he believed another noble Lord had formerly done for the poor of England. This parish also made the most prominent figure in the report of the Commissioners. But neither of the noble Lords, though they stated that all the farms in that parish had gone out of cultivation under the old system, added the important fact, that "all the farms" consisted of only two in number, of fifty acres each. The whole parish contained only 110 acres of arable and meadow land. But his objection to this law—and it was a fundamental objection—was, its total variance with the principles of every other law, and with the general maxims of the constitution. When he looked at the persons from whom it had sprung—his Majesty's present Ministers, he was lost in astonishment. Was it not their constant boast, and did they not celebrate it in all their toasts at political meetings, that the people were the source of all power? and now they invented a law, and would diffuse it over the whole realm, that they and their Commissioners were the source of all power, and the people its victims. The unconstitutional extent of the powers given to the Central Board, was well described, and justly reprobated, by a Gentleman well known to many Members of that House, and of the highest character —the Rev. Mr. Cookesley, who was a guardian of the Eaton Union. In an address to the rate-payers, he asked whether they desired their representatives (the guardians) to be mere servants:—

"To be a mere court to register the edicts of a superior Board of paid Government Commissioners. I must (says he) profess my astonishment, that the people of England should have submitted to the exercise of such powers as these Commissioners exercise. They are such powers as no body of men, since the days of the Star Chamber, have legally had in England, and such as no body of men ever ought to have had. Had the Boards of Guardians been open Courts, these powers could not have been put in operation; for public opinion would have compelled the Board to act with independence, in resisting the outrageous authority at present enjoyed by the Poor-law Commissioners.

He goes on—

"The new Bill professes to be a Bill for the better provision for the poor; but I have yet to learn how this better provision can consist with a total violation of their feelings. The aged pauper who has spent his manhood in labour, thinks as much of his own arm-chair and his own fireside, and he loves the smile of his kindred and his friends, as much as richer men love their enjoyments. I know not how many hearts may be broken if this system of incarcerating the aged in workhouses is to be carried into general execution. Your Board of Guardians a few weeks since came to the resolution of letting the aged paupers out of their prison for a few hours during the day. But of this they were afraid of informing the Poor-law Commissioners, as they must prohibit any such infringement of their barbarous rules and regulations. Is it your pleasure (says he) that your aged poor—the creatures who flee to you for protection from famine—who trust to your benevolence and mercy—should be thus treated? Will you submit to these mandates of a savage relentless economy? The windows in your workhouses are built at the tops of the walls of the rooms. Why? Lest the poor should have the blessing of looking out of them—lest they should forget for a moment that they were in a gaol. Is this a wanton deliberate act of cruelty, or is it a benevolent instance of 'better provision for the poor?' Some time since the circumstance of a person having lived for some weeks upon workhouse diet was mentioned with pride in the House of Commons. Would this same man had fattened on it within the walls of a workhouse, shut out from the view of everything but the wretchedness of himself and fellow-sufferers. I am almost tempted to wish that the man who first hit upon this infernal scheme of shutting out the sight of our common earth from the view of the poor had been condemned to live in one of his own dungeons for life. One topic more, and I have done. There are about ten idiots in our workhouse. If I could fancy an aggravation of the miseries of incarcerated poverty, intense and tremendous, it would be this simple addition of idiotcy. Upon their companions falls the duty of attending them. * * * * In our house, at this present minute, if a man is dying, his wife cannot see him, if he be an inmate."

Thus while the Ministers had been putting the country in commotion about establishing Municipal Corporations in Ireland, which they said were necessary upon the principles of self-government, they had been destroying self-government in every parish in England, and consigning the anything but self-government of those parishes to Commissioners sitting here in London. Before the House came to a decision on this most important subject, he conjured gentlemen to think of the changes—of the dreadful reverses of fortune, to which families, apparently the best established, were subject even in the highest ranks of society. But more especially in the middle classes, for which they should particularly legislate, were such reverses of daily, ay, in this populous realm, of hourly occurrence. He implored the House not to withdraw respectable tradespeople, or industrious labourers and artisans, in town or country, when they fell into difficulties, from the official kindness, and even partialities, of those who have known them in better circumstances—the guardians and overseers of the several parishes to which they belong. If it were attempted to cast any imputation upon the motives of those who deprecated the new system, he hoped they might be allowed to answer, that they were only treading, at however great a distance, in the steps of the illustrious men who were at the head of both parties in this House in the bygone generation, who only recommended the removal of abuses from the old system, but strict adherence to the principle of the system itself. Mr. Whitbread strenuously advocated the right of the poor to have work, and that at adequate wages; he said "his creed was, that no excuse should be left them for doing wrong." Mr. Fox suggested the propriety of an association to raise the price of labour. "It was not fitting (he said) in a free country that the great body of the people should depend on the charity of the rich." Mr. Pitt said,

> "That the law which prohibited relief, where any visible property remained, should be abolished. That degrading condition should be withdrawn. No temporary occasion should force a British subject to part with the last shilling of his little capital, and descend to a state of wretchedness from which he could never recover, merely that he might be entitled to a casual relief."

His humane provision their new law again abolished. They were forcing British subjects to part with the last shilling of their little capital, and compelling them to descend to a state of wretchedness from which they could never recover. If this horrible wrong were to be re-imposed, let it be re-imposed by the local authorities, if they had the hearts to do it. Let not strangers, let not Londoners, be called in to inflict the misery on those they never saw before. The Commissioners themselves acknowledged that the "pauperised labourers were not the authors of the abusive system, and ought not to be made responsible for it." Was tearing them from their homes no responsibility? They were told by the sacred word that they ought to do to others as they would wish others to do to them. Let any Gentleman who heard him think what it would be to be separated from his wife at an advanced age, under a melancholy change of circumstances, and to be placed in a workhouse, where he could only see her occasionally, and under permission, during the remainder of their joint lives; for if in advanced years a poor man and his wife entered the workhouse, it was very certain that they could never come out from thence till they were removed by death. The Commissioners stated that this acceptance of the workhouse was the only test of destitution, and therefore that it was an indispensable requisite of their measure. Severe was the test, indeed, and how great must that destitution be—greater, he would say, than one Christian ought to inflict on another, before the offensive relief was applied. Was there any maxim of religion or morality which said, thou shalt not relieve a poor man "till he is in the last state of destitution," and that the proof that he is so shall be his being driven to accept so wretched a boon as their relief held out? On the contrary, the word of wisdom said —"Make not an hungry soul sorrowful, neither provoke a man in his distress. Add not more trouble to a heart that is vexed, and defer not to give to him that is in need." He disclaimed any intention to repeal the Bill. The difference between his proposition and that which the noble Lord chose to grant was this—he was for a full inquiry, which, if the Commissioners' reports were just, the noble Lord could have no occasion to fear. The noble Lord was for a partial inquiry, which, he would venture to say, would not and ought not to be satisfactory to the people. The hon. Member, in conclusion, moved "That a Select Committee be appointed to inquire into the operation of the Poor-law Amendment Act, and to report their opinion to the House."

Mr. *John Fielden* said: I have always condemned this Bill, I have voted against it on every division during the time when it was passing, and I am here to night to complain of its working now that t is a law. The Commissioners are now trying to introduce this Act into Lancashire and Yorkshire, and I tell the noble Lord he may as well attempt to conquer the world, as attempt to effect that object. I have attended meetings of the people in those counties, preparatory to resist the introduction of this Act, and I will state to the House the reasons why I am prepared to act my part in that resistance. My own opinion is, that the motion of the hon. Member for Berkshire should have been for a total repeal of this Act. The noble Lord says, that the Bill is working well—it is not working well; but if it were so, why need there be any dread of that full inquiry which my hon. Friend asked for? Why, if it is working so well as the noble Lord says, need he oppose my hon. Friend's motion for a full inquiry? In page 6 of their report, the Commissioners state that the complaints made by the labouring people are not so much against the diet as against the imprisonment and the separation of man from wife, and parent from child that they endure in the union workhouses; and I put it to every Member of this House, whether that complaint is not a just one? And I put it to his Majesty's Attorney-General whether, according to the law of England, so severe a punishment can be inflicted where there is no other crime than poverty? I should like to hear his Majesty's Attorney-General justify this by any law that is recognised in England; I call upon him to state that law, if it is in existence; and I call upon the House to join us in demanding a full inquiry into the facts. I assure the House that the approach of the Poor-law Commissioners has created extreme dread in extensive districts of the north; I have myself received many petitions for this House upon that subject, both from Lancashire and Yorkshire, and a remonstrance from the town of Huddersfield, passed at a meeting attended by 20,000 persons. From one township I have received a copy of the resolutions passed at a meeting, which I will read to the House. The hon. Member read a series of resolutions, one of which was to the effect, that the object of the Poor-law Amendment Act was to grind the labouring people down to the level of our unfortunate brethren in Ireland. Another was for raising funds to protect those who may suffer from any resistance they may offer to the Commissioners. Another was also for the purpose of raising funds, in order to carry on a system of passive resistance to them after the manner recommended by Lord Fitzwilliam and Lord Brougham—namely, "by buttoning up our breeches-pockets, and stopping the supplies." The main object of this Act as it is announced to us by the Commissioners themselves in their own reports, is to cause all out-door relief to the able-bodied to cease. The able-bodied man, if destitute of the means of living, must go into a prison before he can demand assistance. If he possesses anything—furniture, goods of any description—he must sell that, before he can claim aid as a destitute man. My hon. Friend has put it well to the House in the words of Mr. Pitt, "How unjust and how cruel this is;" and I call upon the House to recollect, before it suffers this new system to proceed, that the labouring man has no control whatever over the price of his labour, and that this House has constantly refused, under an affectation of principle to regulate that price for him in such a manner that he may receive a due reward for the labour that he performs. When I first came into this House, knowing intimately the sufferings of an immense body of workmen, the handloom weavers, from an insufficiency of wages, I attempted to procure for them some interference from this House which should improve their condition. I procured a Committee to be appointed, before which I proved that those workmen labouring from morning until night could earn for themselves and their families not more than the pittance of two pence halfpenny per head per day. This House refused to act upon my suggestions to regulate the rate of wages they should receive; and now I put it to the House whether, if one of these hard working men, through sickness or accident, becomes incapable of labour, it is just to treat that man as a criminal in the mode of giving him relief? Is it just to make this man go into an Union workhouse and put on a prison dress, and submit to separation from his wife and children before you will aid him in his sufferings? I deny that it is; and as I have found that this House is unwilling to do that which is to keep the people from poverty, I will resist this Act, which punishes them for being poor. Now, Sir, as to the means which are put in force to thrust this Act upon an unwilling people. In page 5 of the Poor-law Commissioners' second report, they state those means in these words:—

> "Partial riots have occurred in different counties; but, by the aid of small parties of the Metropolitan Police, (who, by the provisions of a most useful Act of the last Session, can now be sworn in and paid as special constables in any county of England,) occasionally aided by the support of military force, these disturbances have been put down, without any considerable injury to property."

So that here is this well-working Act of the noble Lord, which satisfies the country, and yet which requires this new military force to carry it into execution. I want nothing more, Sir, than this to convince me that the Act is one which the country would never submit to without these unconstitutional means. But before I proceed further, Sir, a word as to this Act, for although I was a Member of Parliament, and attended pretty constantly to my duties last Session, I was not aware until I read these words in the Poor-law Commissioners' report that such an Act was upon our statute book. I have inquired of several Members, who all of them told me that they were as ignorant as myself—nay, one of them said, he would swear there was no such Act. It is, nevertheless, an Act, and it is one of the proofs of the mischiefs of that midnight legislation which we carry on within these walls. Consulting the votes of this House, I find that the Act was brought in after twelve o'clock at night by the hon. Fox Maule, the Under-Secretary to the noble Lord at the head of the Home Department. The object of the Act is clear enough; the Poor-law Commissioners hail it as useful, and it is doubtless useful to the Poor-law Commissioners. We have got, Sir, by stealth, and at midnight, that rural police which I trust we never could have had by the light of day. Already I see by the newspapers that this London police has been sent 220 miles down into the country to quell the Cornish miners, who were resisting the new Poor-law. I do not forget, Sir, the words of Sir James Scarlett with respect to the Poor-law, when it was passing through this House. I remember his saying of the Central Board of Commissioners, that it was an *imperium in imperio*, and that the people of England would be never made to submit to it. He little thought, perhaps, that the noble Lord would, by his Under Secretary pass a law through this House at midnight which should establish an unconstitutional force so palpably for the express purpose of coercing the people into obedience to the dictates of this *imperium in imperio*. I say unconstitutional, because I have the authority of the noble Lord (Lord J. Russell) himself for calling it so. I hold in my hand an *Essay on the English Constitution*, written and put forth to the world by Lord John Russell, and in describing the sort of force that would be the destroyer of the English Constitution, he has held up to our eyes as a warning the picture of that very force which the Poor-law Commissioners describe to us as a "useful" reality. But, Sir, these are the words, and they are contained in p. 379 of his Lordship's book:—

> "It is in this point of view that the increase of a standing army is really dangerous, and the encouragement of military habits most pernicious; and the reptile is the more to be guarded against, as it would approach without the rattle which gives warning of its vicinity, and serves as a preservative against its poison. A standing army which destroyed the freedom of England, would not march by beat of drum to Westminster and dismiss the House of Commons; it would not proscribe the House of Peers, and deluge the streets of London with the blood of her magistrates. It would appear in the shape of the guardian of order; it would support the authority of the two Houses of Parliament; it would be hostile to none but mobs and public meetings, and shed no blood but that of labourers and journeymen. It would establish the despotic power, not of a single king, or a single general, but of a host of corrupt senators and half a million of petty tyrants."

Now, what I anticipate is, that this new force will be sent down to the peaceful valley of Todmorden, where I have all my life lived, there to coerce me and my neighbours into subjection to these three Commissioners; but I, in my turn, warn the noble Lord against making us feel this abandonment of his own principles. I tell him, that it will be resisted, and moreover, I don't shrink from telling him to his face, that I myself will, if necessary, be a leader in the resistance. If it is come to this at last, that the sheriff's wand and constables staff are no longer effective in preserving the peace, and if this new law is to be the cause of that destruction of the constitution which the noble Lord himself has so well described, resistance has become our duty, and I am prepared to perform my part. Quitting this, however, and coming back to the question of whether there should be a full or only a partial inquiry, I call on the hon. Members for Bath and Liskeard, who spoke so much and so ably the other night upon the necessity of allowing a system of self-government to operate in Ireland, to aid me and my hon. Friend in obtaining a full inquiry into the operation of this Act, which is destroying self-government in England. I remind them of the principles they promulgated only a few nights since; and in order to show them and the House that we are capable of managing our own affairs, I will show, by quoting the Poor-law Commissioners' acts on the one hand, and our acts on the other, that we are quite as capable as they, and want none of their assistance in the management of our poor. I hold in my hand a statement put forth by the guardians of the Bridge Union, in Kent, showing the receipts and expenditure for the quarter ending the 29th of September, 1836. The population of the Bridge Union is 10,636, or the 1-1,316th part of the whole population of England and Wales; and I find from this statement, that the total sum expended in that quarter, for in-door maintenance, and out-door relief, is 610*l.* 15*s.* 5¼*d.*; four times this would be 2,443*l.* 5*s.* 9*d.* for the whole year. Now, 1,316 times this is 3,214,988*l.*, the actual amount that would be expended for in-door maintenance and out-door relief in England and Wales, if every parish were similarly managed. But then we have to add the establishment charges—the cost of the machinery of management; that item, according to the same statement, amounts in the Bridge Union for the same quarter to 1,143*l.* 15*s.*; four times this makes it 4,575*l.* for the year, and 1,316 times this is 6,020,700*l.* for the whole of England and Wales, when it shall come under similar management to that of the parishes comprising the Union of Bridge. The sum actually spent on the poor in this Union for one year, and extended over England and Wales, would, according to this, amount to 3,214,988*l.*, and the establishment charges to 6,020,700*l.*, making together 9,235,688*l.*, a larger sum than ever has been collected in the name of the poor, even when it was customary to pay county-rates, and highway-rates, out of the sum collected as poor-rates. I will now compare this expenditure with the actual expense of the poor in two townships, where the poor are relieved without having this expensive establishment. The township of Oldham, which I have the honour to represent, is one, and the township of Todmorden and Wallsden, where I was born, and lived all my life, is the other. For this purpose I have taken the year ending March, 1836, the last year that the accounts are made up to. The population of the township of Oldham, according to the census of 1831, is 32,381, or 1-432d part of the population of England and Wales. The sum disbursed to the poor was 2,194*l.* This, multiplied by 432, the proportion of population which Oldham bears to England and Wales, will be 947,808*l.*; so that, under the management that prevails at Oldham, the expenditure for the actual relief of the poor, if extended over England and Wales, would be 947,808*l.*, while, if all were conducted in proportion to the expenditure of the Bridge Union, the expenditure in actual relief for England and Wales would be 3,214,988*l.* and the establishment or machinery to bring it about would cost 6,020,700*l.*, making together 9,235,688*l.* Now, I will compare this with the expenditure of the township of Todmorden and Wallsden, where I served the office of overseer of the poor in the difficult year 1817. The population, according to the census, is upwards of 6,000, or 1-1,233d part of the population of England and Wales. The sum disbursed to the poor was, in the year ending March, 1836, 403*l.* This multiplied by 2,333, the proportion of the population which my township bears to all England and Wales, give 940,199*l.*; so that England, managed in the manner adopted at Todmorden and Wallsden, would pay in poor-rate 940,199*l.* The returns from Oldham and Todmorden I have had from the parish officers. They have been audited, and passed by the magistrates and rate-payers; but it is very singular, that they do not agree with the returns given by the Poor-law Commissioners to this House, printed on the 19th of August last, and now in the hands of hon. Members. I beg the attention of the House to this, for, I assert, that here is a paltering with the truth that demands inquiry. In the Commissioners' return I find, under the head of "Expended for the relief of the poor in the township of Oldham, in the year ending 25th of March, 1836," 2,516*l.* 14*s.*;

whereas, the accounts I have received say, " Paid to the poor 2,194*l.* 0*s.* 7*d.*, that is, 332*l.* 13*s.* 5*d.*, or twelve per cent. less than the Commissioners reported. But, Sir, I find the misrepresentation not confined to Oldham; for in the same return, the Commissioners state the expenditure of the poor at Todmorden and Walsden to be 434*l.* 7*s.*; and according to the return made to me by the overseer, the sum so expended is only 403*l.* I have no means of putting the whole return to this test; but, in these two instances, I find the Commissioners make a serious misrepresentation of the amount expended on the poor in places not yet under their control; and I ask if this, even, is not a good ground for inquiry into their doings? I feel confident I am not deceived by the overseers, and I find in the report of the Commissioners another return, which, on the face of it, raises a strong conviction in my mind that it is false. In 1835, they state the total expenditure for the township of Oldham to be 4,568*l.*, and the total sum levied in rates 3,747*l.*, leaving a deficiency in the amount of rates levied of 821*l.*, under what they state to have been expended; and, in 1836, they state the whole expenditure to be 3,889*l.* 15*s.*, and the total sum levied at 3,351*l.* 4*s.*, showing a deficiency of 538*l.* 11*s.* under the sum stated to have been expended: thus, according to this, the good people of Oldham run into debt to the amount of 1,359*l.* 11*s.* in two years, which I am sure they would not do. The hon. Member concluded, by impressing on the House the absolute necessity of a thorough and searching inquiry; and with that view, he cordially seconded the motion of his hon. Friend.

Lord *John Russell* rose to move an amendment. In the first place, he begged to thank the hon. Gentleman, the seconder of the motion, for explaining to the House its real object. He thanked the hon. Gentleman for explaining, that the real object of the motion was, the repeal of the Poor-law Amendment Act. The hon. Gentleman had told them, that that Act was defective from beginning to end, and that it was now sufficiently obvious that, be the circumstances whatever they might, the Act was totally and completely incapable of being carried into full operation; and therefore he, for one, demanded its repeal. This declaration, no doubt, was sufficiently candid, but the hon. Member's conduct would have been much more so, if, instead of bringing forward a motion of this description, he had moved at once for leave to bring in a Bill to repeal the Poor-law Amendment Act. He expected, indeed, that that was the real object of the motion, although the hon. Member for Berkshire did not openly say so; and it was with that view, that he (Lord John Russell) gave notice of the amendment which it was then his intention to move. The hon. Member for Berkshire had stated, that that amendment was proposed with a view to screen the Poor-law Commissioners; he said, " The Government are interested persons in this matter, and it is no wonder that they should wish to screen their agents from inquiry." By way of answer to that assertion, he would read the words of the amendment he meant to propose, and the House would then see, whether the object or effect of that amendment could be to screen anything that had been done from a full and fair inquiry. These were the words of the amendment, " That a Select Committee be appointed to inquire into the administration of the relief of the poor, under the orders and regulations issued by the Commissioners appointed under the provisions of the Poor-law Amendment Act." Now, these words, he conceived, were sufficiently comprehensive to admit of an inquiry into the whole of what had been done under the new law, and would enable the Committee to convince itself, even to the minutest particular, of the manner in which that new law had been carried into operation. It might inquire into the establishment of unions, into the propriety of having the administration of relief confined to workhouses, into the manner in which the relief had actually been administered in those houses, into the dietary established under the directions of the Commissioners, into the restrictions imposed upon the inmates of the workhouses, into the character and extent of the medical attention and relief afforded to them (upon which the hon. Member for Finsbury had expressed so much anxiety for an inquiry); and further, it could inquire as to whether the Poor-law Commissioners had been too expensive in their proceedings under the provisions of the Act, whether it were fit that it should be applied generally to the whole country, or whether it would be beneficial that it should be confined to certain districts only, in which the abuses of the old Poor-law system were aggravated and notorious; and, finally, it might inquire whether it were expedient to carry the new law into effect in the north, in the counties of Westmoreland and Cumberland, or in the manufacturing districts to which the hon. Gentleman, the seconder of the motion, belonged. He asked the House, then, whether, when he proposed such an inquiry, it could be possibly stated, that he had it in view to screen the Commissioners. The hon. Member who made this motion, and who accused the Commissioners of wishing to hide their proceedings—of being persons well paid, and anxious to secure their salaries—was himself a sort of representative of an enormous union, and he had endeavoured to make out a case against the new law, which no doubt they would see admirably reported to-morrow, with a number of statements of facts, statements of evidence, which he must own he very indistinctly heard, and which, if he had heard, he must also own it would at that moment have been out of his power to reply to; and he would tell the House why. Whenever any complaints had been made either to him (Lord John Russell) or to the Poor-law Commissioners, he or they directed an immediate inquiry to be made, to ascertain the correctness of the representations made to them, and in every instance it was required that the guardians of the Union to which the complaint related, should return an immediate answer to the inquiries made of them. But when the Poor-law Commissioners saw that the hon. Member for Berkshire was about to bring forward a proposition in the House, they inquired of him whether he had any particular statements of fact to make, because if he had, they would be ready to institute an inquiry, for the purpose of ascertaining what the statements were on the other side. The hon. Member for Berkshire declined to give the Poor-law Commissioners any information upon the subject. The hon. Member said, it would prejudice his case if his statements were inquired into; and, he added, that he had no belief in the statements contained in the reports of the Poor-law Commissioners, and therefore he was unwilling that any statement of his should be sifted, before he brought forward his motion in the House. He hoped the House would be satisfied if he did not make an answer at that moment to many of the complaints which the hon. Member for Berkshire had brought forward from clergymen and gentlemen living in different parts of the country, with many of which he was wholly unacquainted. It was for this reason, that it was quite impossible that he could be aware of the statements that the hon. Member intended to make; and also, from the reason he had already stated, quite impossible that the Poor-law Commissioners could be furnished with any answer, or any statement, with regard to the facts the hon. Member might choose to bring forward. Having stated thus much, with regard to the particulars that the hon. Member for Berkshire had gone into, he would advert a little to the general statement made by the hon. Member by whom the motion was seconded, and whom, he feared, he must lead from the peaceful valley, in which, like Rasselas, he had so long resided. He was obliged to state to the hon. Member, when he brought him out of that happy valley, that there was, before the Poor-law Amendment Act passed, a state of great poverty, misery, and crime, in many districts of the country, owing to the abuse of the old law, and he would read to him some passages from a petition presented to that House by a relative of his (Lord John Russell's) who at that time was one of the members for the county of Bedford. It was a petition from the magistrates and gentry of Redburnstoke, in the county of Bedford, complaining of the operation of the old Poor-law system, and stating at great length the evils that had resulted from it. The poor-rate, they stated, had been rapidly increasing for the last ten years, and amounted at that time to nine shillings an acre, whilst poverty and pauperism were daily becoming greater and more widely spread. Hence, evils of the worst complexion arose as well to the landholders as to the paupers; heavy rates were imposed upon the one—idleness, insubordination, and crime increased with the other. The petitioners concluded by observing, that the system, if allowed to continue, would affect the whole body of agricultural labourers, and produce a state of universal and inveterate idleness wholly incompatible with the due cultivation of the soil. That was the state of things that existed in 1829, and it was impossible not to see that if such a system were allowed to go on, those idlers who would not labour on farms, but were employed by day on the roads, and at night resorted to poaching, would, in the end, establish a system of terror, by which the overseers and farmers would be prevented from checking their career, and thus, whilst the morals and industrious habits of the labouring classes were destroyed on the one hand, the value of the property of the country was impaired on the other. He confined his illustrations at that moment more particularly to the county of Bedford, because it happened that he was better acquainted with it than any other; and he had heard farmers in the county say, with regard to labourers out of employment, "We could very well give them employment; but they are men of such bad habits and character, that if we were to let them into our farm-yards they would be sure to rob us." This was the state of the agricultural labourers in many parishes in England prior to the passing of the Poor-law Amendment Act—a state most unnatural in this country, because the disposition of English labourers was to work, and work hard, to earn an honest and independent livelihood. It was nothing but the vicious system which the hon. Member for Oldham wished to restore that had induced the naturally industrious labourers of England to abandon [their former course of good husbandry, and to adopt the idle and profligate habits which had latterly disgraced so large a portion of them. If he wanted proofs of that fact, he was abundantly supplied with them in all the reports of the Poor-law Commissioners, and in all their experience of the last three or four years during which, the Act, contrary to what might have been expected from the difficulties that stood in the way, had in many parts of the country been carried into full operation. It was found, indeed, that the difficulty of carrying the Act into operation was almost everywhere much less than could have been anticipated; and what was the reason? It was this—that the former system was bad in itself, and wholly inconsistent with the industrious habits of the people. Therefore, the new law being more in unison with the natural bent of the people the adoption of it became easy, and that which they had been told could not be carried into effect for many years, nor without great resistance, had, in many parts of the country, been carried into full effect, and with a degree of resistance only which hitherto had certainly not been very formidable; and he sincerely hoped that the resistance which the hon. Member for Oldham threatened them with in his happy valley would turn out to be of a no more formidable character than that which they had already encountered. With respect to the union which comprehended the very district of which he had just read an account, there was a report of the Poor-law Commissioners not yet published, but which would soon be delivered, showing the condition of that district at the commencement of the present year. He begged to quote a passage from it:—

> "The board of guardians of the Ampthill union represent to us, that a reduction in the poor-rates has been effected to the extent of forty-five per cent; and this not by depriving the aged and infirm or helpless widow of any comfort, but rather, as can readily be proved, by conferring upon them many important benefits, and in truth increased allowances; while on the other hand the habitual sturdy, able-bodied paupers' habits of idleness have been put to the test by the offer of a well-regulated workhouse, where a comfortable maintenance is provided."

He was ready, as he had already stated, to submit to any inquiry on the subject, he was ready to appoint a Select Committee, to investigate the matter; but he must, at the same time, declare his own conviction that there never was a greater blessing conferred upon the great mass of the people of any country than that change of an old and abused system, which change, reducing very considerably expenses on the one hand, enabled the farmers and cultivators of the soil to employ more money in productive labour; whilst on the other it enabled the labourer to return to his ancient habits of independent industry, and induced him to look at present and for the future to his character, as the source of his profitable employment and well-being, and deterred him from continuing to be the degraded dependent on parish labour and parish pay. Although the hon. Member for Berkshire had undertaken to bring the subject of the Poor-law Amendment Act under the consideration of the House, it was, nevertheless, obvious that he had hardly paid that attention to its operation, even in his own district, which a Gentleman incredulous of the well-working of the Bill ought, above all others, to have paid. There were, nevertheless, instances of gentlemen whose impressions or prejudices against the Bill had vanished when they came to acquaint themselves with the mode in which it operated. In the last report of the Poor-law Commissioners there was a particular instance of this. A gentleman named Grant, who had been of opinion that this act was of a most oppressive and tyrannical character, and that under its provisions, the sick, the aged, and the infirm would be severely ill-treated, happened by accident to be elected a guardian, and thus to have a full opportunity of seeing what the operation of the Act really was. Accordingly, having been some time in his office of guardian, he wrote a very long letter of detail to the commissioners, stating that he had carefully watched the operation of the act; that he was convinced of its beneficial effects; and that, so far from acting with severity or hardship upon the aged, infirm, or rich, it placed them in a situation infinitely better than any that they had ever previously enjoyed. He did not mean to say, that the hon. Member for Berkshire would have been convinced in the same m nner, but it would, at all events, have been quite as becoming in him if, previous to bringing forward a motion of this description—a motion the real object of which was, repeal the new Poor-law system—he had attended with something like interest or care to the working of that new system in his own neighbourhood. The union to which the hon. Member belonged, and of which he was one of the guardians, had sent a report to the Board of Commissioners praising and recommending the operation of the Act, and pointing out the improvement it had wrought in the character and condition of the labouring class. But it appeared from the minute-book of the union that the guardians had held seventy-nine meetings, of which Mr. Walter was present only at ten. The report states,—

> "He attended nine times between the sixth and sixteenth meetings, while the general arrangements were under discussion; he was present again at the forty-third meeting, but, with that single exception, he has kept away from the board during the whole period in which the real business of the union has been transacted, namely,—the relief of the paupers."

Was it possible that a Gentleman who set himself up as an opponent to the new Poor-law system—who set himself up as the great advocate of the poor—could see persons in his own district, within a few miles of his own residence, transacting business relating to the poor, blindly persuaded that they were relieving and doing good to the poor—was it possible that he could see them pursuing this mistaken course, and not attend the meetings—not to declaim against the Act as a vicious Act,—not to give himself the airs of a great legislator, but to interpose on the part of the poor, and to prevent their being treated in the manner the hon. Member had described? As he had already stated, he could not, on that occasion, attempt to follow the hon. Member through all the various cases he had brought forward.' He would, however read a few extracts from some of the many addresses he had received upon the subject.—[Here the noble Lord read passages from two reports made from the Biggleswade union, the Wickham union, the Royston union, and several others, in which it was stated, that the poor-rates had been reduced from forty to fifty per cent., whilst the moral and physical condition of the poor was materially and strikingly improved.] He need not, he thought, quote any more extracts from these addresses. Indeed, the only difficulty in the case, if he felt] at all justified in detaining the House at as great length as the hon. Member for Berkshire, or the hon. Gentleman who seconded the motion, would be to compress within any moderate compass the voluminous mass of evidence with which he was furnished, from persons of all classes—persons of the highest rank filling the situation of chairman to these unions, and persons of the humblest rank, labourers, aware of the benefits they derived from the operation, and clergymen acting officially on the boards of many of the unions, all tending in the strongest manner to show the great advantages that had resulted from the measure. Not pretending to go at any length into the details with which he had been supplied, he would just state generally, what appeared to have been the decrease in the poor-rates within the last two or three years. In 1834 it appeared that the total amount expended for the relief of the poor was 6,300,000*l.*; in 1835 it was 5,500,000*l.*; in 1836 it was 4,700,000*l.* The total expenditure for the three years, therefore, was 16,500,000*l.* Had the expenditure continued the same as in 1834, the total expense would have been 18,900,000*l.*, so that the total saving up to March, 1836, would be 2,400,000*l.*

The Commissioners added, that although the amount expended for the year ending March, 1837, could not yet be ascertained, it was, nevertheless, certain, that a further diminution had taken place. On comparing the expenditure of fifty-nine unions for the quarters ending Christmas, 1835, and Christmas, 1836, it was found that for the first of these periods the expenditure amounted to 88,949*l.*, whilst for the last; it amounted only to 74,058*l.*; showing a diminution of seventeen per cent. It might, therefore, not unreasonably be expected that the expenditure for the relief of the poor would not exceed 4,000,000*l.* for the year ending March, 1837, instead of 6,300,000*l.*, its amount in 1834. One remarkable test of the beneficial operation of the new system had been lately afforded. During the prevalence of the influenza, which unfortunately had occasioned so many deaths in all parts of the kingdom, it was generally found in the workhouses that the care taken of the poor, and the medical relief afforded to them, had made the mortality considerably less than could have been expected. Colonel A'Court stated, with respect to the medical relief given in Hampshire and Wiltshire,—

> "Since the prevalence of the influenza in my district, I have used every exertion personally to visit the several unions in it, and I have already attended two-thirds of the boards of guardians. I am, therefore, enabled from authority to assure you, that in no single instance have I heard of the slightest complaint, or neglect, or insufficiency of attendance on the poor on the part of the medical gentlemen, who, though worn down with fatigue, appear to me to have performed their arduous duties in the most praiseworthy and exemplary manner."

As a further test of the management of the poor in the workhouses, they sent a circular letter to the twelve unions in East Kent, the workhouses of which together contained 2,200 inmates, one half being aged and infirm, the other half principally children, inquiring what had been the mortality from the influenza. The return made to that circular letter showed that only seven paupers had died of that malady. He must say a few words with respect to the treatment in the workhouses so far as regarded the able-bodied. It seemed to be imagined by those who complained of the operation of the Poor-law Bill that there ought to be provided in every workhouse the means by which every working man with his wife and family might be supported with the same comfort as a man in full employment. He thought this opinion was formed upon a false notion of the nature of the relief that ought to be given. It was not pretended by the authors of that Bill that when men who were able to work were found in the workhouses, they were to be treated in exactly the same manner as they would enjoy themselves in their own separate cottages; or (as it was assumed) that they were to be kept upon better diet, be better sheltered, and better clad, and enjoy more comforts and more liberty than the independent labourer. This would be holding forth to the independent industrious labourer a motive to be idle. It would be saying to him—"If you labour you will live hardly, and your wife and family will be-ill supported by your earnings; but if you choose to be idle and to come into the work-house, you shall there be better fed, sheltered, clothed, and provided for." The intention of the Legislature in establishing the workhouse system could only be to say to the able-bodied labourer, "It is your duty, it is your interest, to seek for work if it is to be found; and if work is not to be found, then, so far as saving you from destitution, so far as furnishing you with sufficient food and medical attendance goes, we will provide for you; but we do not pretend to make your existence in the same degree comfortable as the existence of an independent workman." The tendency of the system adopted by the Legislature was not, he imagined, to have a vast number of able-bodied labourers kept idle in the work-houses or in the "bastiles," as the hon. Member called them. The object of the system he conceived to be to make all men seek for work. Formerly it was a great advantage to the poor man to have a wife and family, because it gave him an additional claim on the parish; but now if a man wished to support a wife and family, in order to do so with comfort he must seek for work and not go into the workhouse. That, in fact, had been the result of the new system; for in one of the most pauperised districts where the Poor-law Commissioners had carried the law most completely into effect, he meant East Kent, the result showe this to be the case. In East Ken out of 160,000 inhabitants, fifty-five had been the maximum of able-bodied labour ers in the workhouses at the same time.

But it was said that it was cruel to force the disabled and infirm into the workhouse. This, he admitted, was a matter into which a committee might very properly inquire: that was to say, they might make inquiry with regard to the conduct which the Commissioners had pursued. He, however, believed that if any such inquiry were made, it would be found that the conduct of the Commissioners had been eminently prudent and cautious upon this point. To those who said that the effect of the new law had been to send all the disabled and infirm into the workhouse he had a most complete answer to give. He could refer to returns which had been received from eighty-eight unions, showing that the number of in-door paupers was 8,850, while the number of out-door paupers was 54,417. In these eighty-eight unions nine-tenths of the disabled and infirm received out-door relief. This was the working of that cruel system which was represented as making every person who was disabled and infirm, whatever might be his age, go into the workhouse. He was willing to confess his belief to be, that when the new system should be brought into full effect, out-door relief would be entirely abolished, except in cases of sickness and other special cases where it might be proper and wise to continue that mode of relief. Out-door relief ought not to constitute part of a permanent and general system. But while entertaining this opinion he still contended that in introducing the new system the Poor-law Commissioners had not proceeded imprudently, rashly, or with harshness, but had with due caution and consideration endeavoured to effect the practical abolition of a system which had been so inveterate in all kinds of abuse. A question had been raised with regard to the kind of relief afforded in the workhouse. Upon this point he had several testimonies which he would mention to the House. In the return from the Eastry Union it was stated that the amount of annual payments by the twenty-six parishes in the union for the year ending Christmas 1836 for illegitimate children was fully 300*l*; whereas there was not now a single instance of payment of illegitimate children. The amount of poor-rates collected in the same twenty-six parishes, for the year ending 25th March, 1835 was 16,960*l*. The amount collected in the same twenty-six parishes in the year ending 25th of December, 1836, was 8,965:

> "The poor in the union workhouse the report continued, are amply provided for: their diet is wholesome, substantial, at the same time fully sufficient. Their cleanliness is a matter of great consideration; they receive the utmost attention, when needing it, from the very able medical Gentleman who superintends the medical department. Their clothing is suitable; their moral and religious improvement duly attended to; and their general comforts most indubitably exceed by far what they could possibly enjoy elsewhere. The children of both sexes are reared and trained in a manner far surpassing those of independent labourers, generally being well attended to, having both schoolmaster and schoolmistress, and are properly instructed, both morally and religiously so: thus imbibing habits the reverse of what would most probably have possessed them, had they been at large."

And now with respect to another point, namely, the savings of the labourer. Under the old system, it was not the interest of the labourer to save money. If he did so, he was generally told that he could not receive relief from the parish. The consequence was, that he spent his money, and then he entitled himself to out-door relief, which out-door relief was a great object of desire with him. Since the passing of the new Poor-law Act, however, a much greater disposition of saving had been manifested among the labourers. He would take the liberty of reading an extract from a letter which had been received from a gentleman with whose name Members were well acquainted, and whose authority, he considered, was of more weight than that of the hon. Member for Berkshire. It was from a letter written by the well-known Poor-law reformer, Mr. Whateley, of Cookham. He said:—

> "At Cookham they have called for a rate of 3*d*. in the pound, instead of one, as it used to be, at 2*s*. 6*d*.; and when the snow was five and six feet deep, I contrived to walk to the savings' bank at Maidenhead (though I was more than three hours in performing the journey of three miles), being the bearer of 10*l*. 13*s*. to deposit there against the exigencies of the next winter. This sum was contributed by the poorest of the poor, and collected in pence. Had it been suggested to any one of these depositors a few years ago, that they might contrive to save a penny, the suggestion would have been considered an insult; now it would be equally insulting to suspect that their contributions could at all inconvenience them—such is the change of feeling."

I do (said the noble Lord) very humbly and respectfully recommend to the hon. Member for Berkshire the example of Mr. Whateley. I am sure if he would attend to his own union, and go a little more frequently to the Board of Guardians; if he would advise his labourers to lay by money; and if two or three years hence he should be able to come down to the House and say, that he had done as much good as Mr. Whateley, I think he will deserve the thanks of this House for his praiseworthy exertions. He would read but one more extract, and that was from a communication received from a gentleman who had only recently become acquainted with the workings of the Poor-law Act. It was from Mr. Woolley, a gentleman of great skill as a land-surveyor, and who had been appointed an assistant tithe commissioner. The statement of this gentleman was contained in a letter to Mr. Gulson:—

> "I wanted to talk with you on the almost magical effect I find produced by the new Poor-laws in the south. There I had seen the evil in its 'riotings'; I saw no chance but ruin or change — prompt, effectual, decided, radical change; I began to fear the thing had been pushed too far, the remedy too long deferred; but I am perfectly delighted to find that I was mistaken. The change has been made, and the effect is more than any one could have hoped. I have, in my professional engagement as assistant tithe Commissioner, been much in Sussex and the weald of Kent. I have seen the effect on the poor-rates, the character of the population, the improvement of the land—such a change! I have talked with all sorts of persons, of all sorts of opinions, on other subjects, and have heard but one opinion on this—that the measure has saved the country. I am sick of the pitiful cry attempted to be raised against the measure, and especially at the supposed inhumanity of it. Let any man see the straightforward walk, the upright look of the labourer, as contrasted with what was before seen at every step in those counties. The sturdy and idle nuisance has already become the useful, industrious member of society. No man who has not looked well into human nature, and the practical working of the wretched system of pauperism, can form an idea how different is sixpence earned by honest industry, and sixpence wrung from the pay-table of a parish-officer. I am fully convinced that the measure has doubled the value of property in many parts of the kingdom. This is important; but pounds, shillings, and pence will not measure the value of the change in character which is already visible, and which, I am well convinced, will develope itself more and more."

This was from a practical man—a man accustomed to go over the country and converse with all sorts of persons in the pursuit of his profession; accustomed to see farmers and labourers, and therefore well able to judge of the matter of which he spoke. But the observations which Mr. Woolley made were not peculiar to him, neither were they confined to any particular political party. He was happy to say, that persons of all opinions in politics had been found among the members of the Poor-law unions, and that men of the strongest political opinions, whether ultra-Tory, ultra-Radical, or anything else, had taken the most active and beneficial part to carry the new Poor-law into effect, and of thereby doing the utmost good to their neighbourhood. Well, then, seeing this, and seeing the principle of patriotism with which these men have acted, he was sick of the pitiful cry which had been raised by persons who were either totally ignorant of the operation of the Act, or had wilfully blinded themselves to its effects, or were industriously endeavouring, for some sinister purpose or other, to excite discontent in the minds of the people by grossly exaggerating the object and tendency of the measure. The hon. Gentleman who seconded this motion, spoke of petitions that were about to be presented on this subject, and, as far as he (Lord John Russell) could learn, those petitions came from places where the Poor-law had not been introduced. It was very easy for persons to go into those places and talk of the tyranny of the Commissioners; to speak of the restrictions imposed on the rate-payers, and describe how they were bound down by the harsh mandates of the board; but all this was a gross misrepresentation of the Poor-law Act, the real object of which was to establish self-government—a principle found to be so useful in all matters of local concern. What was the case formerly? The idle labourer, complaining of the overseer who refused him relief, went to some distant magistrate and made out his false tale of distress. The magistrate, knowing nothing of the matter, made an order for relief, ignorant of what the effect would be. But what was now the case? The magistrate was now a member of the Board of Guardians; he met his brother guardians at the board, where they conferred together as to the actual facts of each case; and where the pauper merited relief they granted it to him, while the impostor was detected and turned adrift. Thus, matters were gone into by the board with practical sense and practical judgment. The consequence was, that a kind of local government was established, acting certainly under such general rules and general directions as the intelligence and experience of the Poor-law Commissioners had prescribed, but with respect to details, acting according to the judgment of the magistrates, the country gentlemen, the farmers, and the rate-payers connected with the district. This, in his opinion, was a good, a wholesome, and a rational system. This was a mode of local government by which he hoped that those abuses which formerly prevailed would never again occur. For his part he hoped he should never see the day when this House would countenance a motion such as the hon. Member for Oldham, at the close of his speech, had hinted at—a motion for repealing the Poor-law Amendment Act. He was ready to admit that there were questions into which a Committee could very properly inquire. They could inquire whether the Commissioners had acted to the best of their judgment. In this he was inclined to agree with the hon. Member who had brought forward the motion. With respect to one thing of which the hon. Member for Finsbury spoke last year, namely, with respect to the mode of medical tenders, and the pay for the attendance of medical officers, he would make one observation. The intention of the Commissioners was (and it was a very right intention), that the Boards of Guardians should not show any favouritism by appointing particular persons, or by giving larger salaries than were necessary. He, therefore, considered the best way of acting was, that the boards should determine that tenders should be made for medical attendance, at the same time it should never be a rule that the lowest tender should be accepted. It would, however, afford a means of forming a notion of what tender might be accepted, having regard to the qualification of the person. But he owned that he doubted whether it would not be better for the guardians to determine (if upon inquiry it were practicable) what degree of medical relief should be given, and then to appoint a person to give that amount of medical relief. This was a point, however, upon which the Poor-law Commissioners might be right, they having investigated this subject from day to day, and from week to week, with unceasing industry. They were persons whose names were well known and deservedly respected —Mr. Frankland Lewis, Mr. Lefevre, and Mr. Nicholls; they were persons known for their knowledge, for their intelligence, and, he must say, for their humanity. He, therefore, should hesitate very much before he thought that any opinion which men not so intelligent, and not so qualified for the task, might form on this subject, was superior or even equal to the opinion of those who had for a long time devoted their entire attention to it. At the same time there were matters (as he had before said) fit for inquiry before the Committee which he should have the honour of proposing, and where he hoped the reasons, the opinions, and the authority of such men as Dr. Kennedy, Colonel A'Court, and others, would be listened to with every attention. He was perfectly ready, for one, and he was sure that they were perfectly ready on their parts, to have such an inquiry. His conviction was, that the more this system was looked into, the more it would be confirmed and strengthened in the opinion of the Parliament and of the country. He foresaw that it would be so confirmed; and he should always consider it a matter of pride and satisfaction that he had a part in proposing such a measure. He begged to move, as an amendment, "that a Select Committee be appointed to inquire into the administration of the relief of the poor under the orders and regulations issued by the Commissioners appointed under the provisions of the Poor-law Amendment Act."

Colonel *Wood* said, that he should certainly not vote for this inquiry with the intention to effect a repeal of the present law. If he might venture to say it without giving offence, he would observe, in reference to the speech of the hon. Member for Oldham, "save me from my friends," for that speech had done more to damage the motion of the hon. Member for Berkshire than anything else. He believed the hon. Member for Oldham had conscientiously uttered his opinions. He could not think that the words of the amendment proposed by the noble Lord would give so extensive a range to inquiry as he thought it ought, and entertaining the same opinion as the hon. Member for Berkshire, and wishing to give that inquiry as free a range as possible, he thought that hon. Member was fully justified in trying to attain that object, thinking that the noble Lord intended to limit the inquiry much more than his speech seemed to imply. When the Poor-law Bill was passed, he thought few persons expected it was to be indiscriminately applied to every part of England, or that his Majesty's Ministers would direct the whole of England and the principality of Wales to be divided into unions in order to carry the Act into effect throughout the whole country. If he understood the noble Lord's amendment, it would not be competent for the Committee to inquire into this part of the application of the Act. He could not but think that the division of the north of England and in the principality of Wales into Poor-law unions was wholly and entirely unnecessary. In the north of England and the principality of Wales, with which he was more particularly acquainted, the great evils that existed in the southern counties were not known; the wages of labour were not paid out of the poor-rates; the system of roundsmen, which was so ruinous to the country, and all that maladministration of the law, were quite unknown there. He thought his Majesty's Ministers deserved thanks for introducing a measure with the intention of providing a remedy for those evils where they did exist, but the application of it was not necessary where the evil was not felt. The workhouse system was almost entirely unknown in Wales; it was uncongenial to the habits of the people, and he was quite satisfied that if it were enforced there, if workhouses were built, and the poor were dragged away from their cottages and their friends to be thrust into those places which were so abhorrent to the feelings of the people, the measure would create general disgust in the principality. He was, therefore, anxious to have a clear understanding as to whether the noble Lord intended to allow the Committee to go into that part of the subject, because, if there was to be no restriction of the inquiry in that respect, he should be disposed to entreat the hon. Member for Berkshire to withdraw his motion. He had no right to urge that hon. Member to take that course, but he thought, if the noble Lord would consent to allow the inquiry to have that extensive range which he had suggested, that the object of the hon. Member would be in a great measure secured. Yet if the hon. Member persisted in his motion, conceiving that he could not do otherwise with justice to the subject and to his own feelings, he (Colonel Wood) would certainly vote with him. He would call the attention of the House to an extract from one of the instructional letters of the Poor-law Commissioners. The hon. Member read the extract—to the effect that no distinction was to be made between the deserving and the undeserving, but that destitution only was to form the ground of relief. Such was the order which had issued from the Home-office, but in this respect he thought the old system was better, for on a reference to Sturges Bourne's Act it would be found that it was distinctly provided that magistrates should order relief to the able-bodied poor, reference being also had at the same time to the character and conduct of the applicants, thus making a broad distinction between the deserving and the undeserving. If a Committee were appointed, he hoped this point would form a subject of inquiry and consideration. He would conclude by repeating, that he hoped the hon. Member for Berkshire would withdraw his motion.

Mr. *Harvey* observed, that having presented several petitions to the House, and one that day from an important portion of his constituents, who, from their situation, were able to speak with more propriety on the operation of the Bill, than some other persons, he could not suffer those petitioners to lie under the censure which the noble Lord had cast upon those, whom he charged with raising up a pitiful cry against the Poor-law Act. If there was any cry, it was the cry of humanity to that House, against one of the most cruel, heartless, relentless, and selfish Bills, that was ever devised and passed into a law. The noble Lord had stated what no one doubted, that the operation of this Bill had been highly favourable to a certain class, that it had reduced the poor-rates from 6,000,000*l.* to 4,000,000*l.*, and that it had doubled the value of property. It was so; no one doubted it; and the acceptance which that measure obtained, in the House and out of it, amongst a certain class, together with certain sympathetic circumstances, that were very apparent in that House now, justified that opinion. But this was the real question—had it operated with equal, or with any advantage to the other party, to those who were to be the recipients of parochial relief? If it should turn out, on subsequent inquiry, that while property had been aggrandised in value, and a large deduction effected in the amount of the poor-rates, a corresponding advantage had accrued to the people at large, by reducing the income of the poor thirty-three per cent., which had been taken away from the aged and infirm, and helpless for the most part, then, he should say, that no one would hail with more satisfaction the result of such inquiry. But every one in the House ought readily to sanction a motion for that purpose, because such was not the opinion of those who were the best judges of the measure, those who had witnessed its operation, and who were prepared to prove the correctness of their opinion. He had stated that he had that day presented a petition from an important portion of his constituents—not important from their numerical strength, but from the influence of their station, they being the guardians of the poor of one of the largest and most populous parishes in the metropolis—St. George's, Southwark. They consisted of eighteen persons, who constituted the Board of Guardians of that parish, and who, as it must be known to every gentleman by whom the public papers were perused, had been among the most strenuous opposers to this measure, and had remonstrated against the introduction of the Act into that parish, and still further against the character of those laws which they were compelled to administer; and, without travelling into detail, or exposing himself and those whose cause he advocated, to being charged with raising a pitiful and senseless cry against this measure, he would state to the House the reasons of the petitioners for the hostility they entertained towards it. The noble Lord had taken an advantage which displayed the dexterity of the pleader, rather than the candour of the statesman; he had assumed that, because the hon. Member for Oldham had seconded the motion for an inquiry, that therefore, as a necessary consequence, he was seeking to obtain the repeal of the Poor-law Act. What was that but acknowledging that a free and full inquiry would produce that effect? But was it not a boast of the noble Lord, that instead of such a result, it would have the effect of soothing hostility, and creating a general impression that the law was for the benefit of all? What consistency, then, did the noble Lord display in offering any opposition to the motion of the hon. Member for Berkshire? Because the hon. Member had said, that an inquiry would lead to the disclosure of certain facts, which might probably bring about a repeal of the law, therefore the noble Lord had assumed at once, that the object in view was a repeal of the law, and nothing less. He must repeat, that such an argument partook rather of the dexterity of the pleader, than that of the candour of the statesman. But the petition which he had presented from the guardians of St. George's, Southwark, had prayed for the object submitted to the House—the appointment of a Committee to inquire into the operation of this measure, and the chief reason for preferring such a prayer to the House was, their experience of the bad effects of its administration. When hon. Gentlemen said they had given this Bill their sanction, they should recollect they hardly knew what they did sanction, because that Bill was hurried through the House ith singular and unaccountable rapidity, undergoing little or no discussion. He ventured to repeat, that there never was a measure so sweeping in its object, and affecting so many millions of the subjects of these realms, passed with so much precipitancy, and so little discussion. But, be that as it might, hon. Gentlemen who had given that measure, if they pleased, their most disinterested support, their most deliberate consideration, with no other anxiety than to better the condition of the poor, never contemplated that the result would be the saving of 2,000,000*l.* in 6,000,000*l.*, and doubling the value of their estates, never suffering such pitiful feelings to cross their minds, but being wholly influenced by a desire to improve the condition of the poor, and labouring men could now with the most perfect consistence, if they thought proper to do so, discover abundant reason to suspect the accuracy and propriety of the various rules and regulations which had been promulgated from the Board of Commissioners, under the authority of that Bill. It was the first time that ever such enormous powers as those Commissioners exercised, were deputed to any three other men. They might merit even more than the high dignity which had been conferred on them, but he must say, that neither they, nor any other three men, ought to have the power of making and administering laws affecting all the property, and the greater portion of the population of the kingdom. His constituents had felt themselves placed in a humiliating situation, in consequence of being called on to be the humble administrators of this law, for be it remembered, that those guardians might be composed, for aught he or any one else knew, of men who were sufficiently competent to fill the office perhaps of chief Commissioner, or at least of those about him; yet they felt that they had nothing to do but to follow those directions which the Poor-law Commissioners thought proper to issue, without any appeal to their own judgment, or opinion as to the peculiarity of the circumstances of the case before them. But such was not the design, nor was it ever even intended to be the design, of the office of overseer, churchwarden, or guardian of the poor; and it was therefore, that those men who had been elected to the office of guardian by their fellow-citizens, on account of their competency, protested against the arbitrary interposition and domination of the Poor law Commissioners. But the noble Lord had gone to the fullest extent as the advocate of this measure, and justice must be done to him for the firmness with which he opposed and denounced what he called the pitiful feeling which was evinced towards it. He had laid down the broad rule consistently with the resolution of the Commissioners, that destitution, the most pitiful and absolute destitution, must be considered as the sole and exclusive ground of relief; and though it had been said, that a greater number of persons were receiving out-door relief at the present moment, than there was to be found in the workhouses, it should be borne in mind, that this state of things did not arise from any dictate of humanity, or influence of Christian feeling, but from the fact that the Poor-law Commissioners had not yet caused to be erected a sufficient number of workhouses of adequate capaciousness to receive the poor. But it was a rule, that as fast as these bastiles, as they had been very appropriately called, were erected, they were to be peopled by those persons who applied for out-door relief. Who were those persons? The noble Lord had told the House that this Act not only worke well for property and its possessors, but that it kindled a spirit of independence and self-satisfaction in the industrious poor; but let the question be asked, from whence that great saving of 2,000,000*l.*, of money deducted in two years from the amount of 6,000,000*l.* had come? It must have produced a great effect somewhere, and when it was considered that it formed so large an item in the income of the poor, it was scarcely possible to hear it mentioned, without believing that it had been wrung from the poor by this cruel and arbitrary law. ["*No, no.*"] He said "yes," but other Gentlemen said "no;" the proof, however, was to be found in the facts. He had presented a petition a few days ago from Kendal, signed by 1,600 persons, and he then ventured to give some reasons for agreeing to the prayer of that petition. One of those reasons was, that the poor were not represented in that House, and it should be remembered, that the labouring poor were the authors of all their wealth; without their industry their estates would be tenantless, and their rent-rolls mere ciphers. In presenting the petition from Kendal, he had called the attention of the House, by way of illustration, to some facts well worthy of their attention, and now he would observe, that there was every reason to believe, that a large portion of the saving of which the noble Lord boasted, was the result of an arbitrary and heartless appeal to the aged and infirm, to decide between no relief, and confinement in a union workhouse. He had read a list of old men, patriarchs, and old women of eighty or ninety years, who had fertilised the fields of the landowners in past time by their ceaseless labours, but who had received in the time of their infirmity 2*s.*, and some 2*s.* 6*d.* a-week. What did the Commissioners do through their agents? These poor creatures hobbled up to the table of authority, and there they were told that unless they were prepared to throw back 6*d.* out of 2*s.*, to add to the mighty fund transferred to the landed aristocracy—unless they were prepared to give up twenty-five per cent.—let those gentlemen hear that who so boldly resisted the giving up of ten per cent. when it was demanded out of their incomes—those poor creatures were called upon either to give up twenty-five per cent. out of their miserable pittance, or take up their abode in those mansions which had been prepared for their comfort and rest. Was not that a fit subject for inquiry? Did they not feel themselves bound to investigate into the effects of a law so unworthy of a Christian country, and of any Government that presided over it? But the noble Lord, in his anxiety to tell them what had been saved, had committed an error. Allow him to say that the noble Lord had overstated the mark, because the whole quota of the poor-rates was but 6,000,000*l.*, and it had been reduced to something more than 4,000,000*l.*, and the noble Lord had led the House to imagine that the whole saving had arisen under the administration of the new system; but it was quite the reverse, because it would be found on inquiry that very extensive savings had been effected by judicious improvements in parishes which belonged to no unions, and in which the new system had not been introduced. Here, then, was a fundamental error which required correction. The noble Lord had presumed that every opponent of the Poor-law Bill must necessarily contend that there were no defects under the administration of the old law. That was quite a mistake; there were many defects; but they were not the offspring of the law itself, but of a system which had become lax in its operation in the progress of time. But the evils of that system were never declaimed against by those who supported the new one, so long as everything went on agreeably to their own feelings with a kind of false success. During the period when the returns laid on the table of that House stated the Poor-rates to be upwards of 8,000,000*l.*, while their rents were paid, and their corn fetched a high price, and they basked in the sunshine of prosperity, who ever heard anything said about promoting the comforts of the poor? But as soon as they found by numerical experience and financial testimony that something must be done to protect their own interest—when they were told by their tenants that on going over their accounts they found rent to be the largest item, tithe to be a great item, and poor-rates an increasing item, where did they, the country gentlemen and landed aristocracy he meant, look for relief? Nothing was done, no committee of inquiry was called for to investigate into the state of rents or the depression of tithes—no, but they turned round and found a ready relief in the arms of the helpless poor, and found succour among those who had not power sufficient to make themselves feared, and had no representatives in that House. It was not his wish to throw unjustifiable blame upon any set of men, but he could not help saying that all the evils of the present Bill which the poor endured were the result of their conduct towards those unwilling and helpless victims of it. He would lay down as an axiom, as firm as nature, and as ample as heaven, that every man that lives had a right to live on the soil. If, by their conventional arrangements, such a thing was rendered impracticable, but they were reaping the advantage of it, they were bound to indemnify the poor, and protect them from every evil entailed upon them by a system to which they were not a party, and which was not intended for the benefit of any but those who made it. Were they, then, to be told that this provision of nature, which runs through all the lines of a bountiful Creator, was to be turned into a spirit of persecution, and that those who happened to be poor were to be the objects of punishment and degradation—for punishment the present system undoubtedly was? What were the punishments at the present moment? That delinquents should be sent to prison for seven, fourteen, or twenty-one days; when the crime wa of a deep character, that they should be placed in solitude, and that they should have bread and water for their provision, in the hope that their correction might lead to their moral improvement. But how did they serve the poor, the aged, the patriarchs of the land? Their orders, for he had read them, declared that no relief should be administered out of the workhouse. It was nothing to say, that there were relaxations; that arose only from a want of sufficiency of accommodation. But the decrees had gone forth, and as fast as they could carry them into effect, workhouses were to arise in every part of the kingdom—workhouses, prisons substantially, houses of correction were not more so, and the discipline was to be of the same character as that which distinguished the penal code. Let the House look at some of the provisions which this fourth estate of the realm, the Poor-law Commissioners had promulgated, and which were binding as any statute which had received the sanction of the three estates. Those rules or laws positively enacted that there should be no relief but under circumstances of the extremest emergency; that no relief under such circumstances should be administered out of the walls of the prison; and that it should be of such a nature that it was impossible to make it less or of a worse character, if we were dispensing it to the criminal. The gallant colonel referred to a resolution which had received the sanction of the noble Secretary for the Home Department. It was there laid down, in answer to the application and remonstrance of a Board of Guardians, that they were to give no relief within the walls of a workhouse, which should have any reference to the merit, the delinquency, or even the vices of the parties. They were to give to the most vicious all that they could mete out to the most meritorious. In short, they were confounding all the great distinctions of moral propriety and vicious habits; and yet the noble Lord presumed to contend that all this was popular, acceptable to the people, and likely to establish a feeling of independence. The people of this country would deserve to be called anything but independent if they should submit tamely to such a system. There might be a feeling at present of tacit acquiescence arising from circumstances of passing prosperity, but when they had introduced the system to act on great masses, and brought it into play in all its contemplated severity, the noble Lord would find that not only in the peaceful vale, but on the mountain top, and in all the manufacturing districts — in fact, wherever humanity had a heart to bleed, the principle of such a measure would be universally repudiated. Now was the time when inquiry should be made in the most searching and scrutinising spirit. He hardly knew what the noble Lord meant when he said that his amendment invited the most searching inquiry. The amendment which he moved and the speech he uttered were certainly at variance with each other. As he read the words of the motion, they seemed only to point to an inquiry into the administration of the funds by the Commissioners—that was to say, the rules, the orders, the laws, were to be taken as incontrovertible, and the inquiry was only to extend into the mode and manner of the distribution of the funds. There was no need for such an inquiry. They all knew how that part of the system had been administered — with the most barbarous and heartless severity. He only wished that some of those hon. Gentlemen whom some accident had thrown into that House, and who supported such a resolution as this, might be thrown for a season into one of those buildings, which would perhaps moderate them into decency, and render them fit representatives for that, if not for any other place. For his own part, he believed if the House occupied seven days and seven nights with this discussion, they would not bestow upon it a consideration at all out of proportion to its merits and importance. Upwards of 2,000,000 of their fellow subjects were deeply and personally interested in it; it affected their feelings, it involved their interests. It was due to them—it was due to their petitions—it was due to their prejudices—it was due to their ignorance, if they pleased so to call it, that the amplest and most searching inquiry should take place. It was important the House should know what the noble Lord precisely meant by his amendment. He was quite satisfied if the noble Lord admitted that it would be competent to inquire into the appropriateness of the different resolutions and orders which had been made and carried into effect—if they were permitted to hear evidence from intelligent guardians how the system had worked, and how it influenced their own minds and those around them, the investigation would be at once honest and useful. But, if into the Committee which the noble Lord might nominate, no one should be allowed to enter who presumed to have any unbecoming disinclination to the present system, however they might be looked up to by the people, and representing howsoever large constituencies deeply interested in the question—if the Committee were to be a packed Committee, the terms of the inquiry being restricted, it would only be adding insult to the injury the measure had already inflicted. But he was not so inclined to receive the noble Lord's speech; he looked at his speech more than to the resolution itself. Before sitting down he was anxious to state, that when the Poor-law Bill was under the consideration of the House, although he had not given the subject that attention which its importance now appeared to deserve, he did vote for the measure; accompanying, however, that vote with this expression, as its reason—that he supported it under the conviction that they could not maintain the Poor-law Amendment Bill and the Corn Laws conjointly. An why did he say so? By and by, when they came to balance the 2,000,000*l.* stated to have been saved as the result of the measure, he was much inclined to think, they would find it on the other side. Because, if they once said to an industrious man, youthful in years, vigorous in health, in inclination willing of all things to work, and only desiring to be compensated for his labour—if they said to such a man when he was not in a condition to find employment, "You can have no relief but by going to the workhouse—the rival of the county gaol, where you will find the same diet assigned to the criminal as to yourself; where, if you are married, you must go with your family—and when you get there you will not even have the poor comfort of intercourse—where, finding yourselves the participators of the same inconveniences, you may become reconciled by common sympathy—the father to take up his bed with the sturdy beggar, the wife torn from the tenderest ties and placed in a separate apartment, and the children, if upwards of seven years of age, the forced inmates of another prison-house;" —if they once said this to a man capable and willing to work, that such must be his lot when disease or absence of employment overtake him, had he not a right to say, "If you throw me back on my labour, which is my property, at all events you have no right to pass a law which shall diminish its value when converted into produce?" The labouring man is obliged to expend 6*s.* out of his 10*s.* for a lump of bread, which but for their laws he would get for 3*s.* and 6*d.* How hardly, then, did their unequal and arbitrary taxation bear on this class of the people! He hoped the hon. Member for Berkshire would not be deterred from pressing his inquiry, of all others the most important, and which, in his opinion, was intimately connected with the Poor-law. He did not know, in altered circumstances, what trammels might be thrown around him, but it was his duty to show to the House and to the country, how, after having plundered the man of his means of support by means of the Poor-law, they should at the same time rob him of one half of his property. Industry was as much property as acres. It was that which gave permanence, stability, and increase to all other property. Upon the article of tea alone, he saw from official returns the amount of duty was upwards of 4,000,000*l.*, and that upon malt of 5,000,000*l.*, making 9,000,000*l.*, more than one-third of the interest of the national debt, thrown on the labour of the working community. Now, could it be said, as of the duty on tobacco and spirits, that those articles were demoralizing—for tea to women and beer to men were as innocent as essential articles of general consumption? Of this he was assured, that they could not maintain the present system of arbitrary and unequal taxation, the Poor-law and the Corn-law Bill co-existing at the same time. He could not sit down without thanking the House for the exemplary and honourable attention which throughout the discussion had been paid to this subject.

Mr. Sergeant *Goulburn*: However reluctant at all times to obtrude himself upon the attention of the House, could not content himself with giving a silent vote upon this question. It appeared to him a subject of very vital importance, in which the feelings of all classes of the community, and he could speak particularly with regard to his own constituents, were deeply interested. He had the honour of presenting a petition that night, signed by 2,600, comprising almost all the respectability of the town, which he represented, coinciding with him in politics; and the hon. Member for Surrey (Major Beauclerk) a few nights since had presented another petition from that town, subscribed by a large number of those who differed from him in political opinions; and he was sure he was speaking their sentiments, in common with very many persons in this country, when he said there were many parts of this subject with respect to which there ought to be a full, fair, and most searching inquiry. It struck him as a remarkable fact, that whereas the amendment of the noble Lord fell far short of his speech, undoubtedly the hon. Member for Oldham and the hon. Member for Southwark greatly went beyond the purport of the motion of the hon. Member for Berkshire, of which they were the supporters. It seemed to him that it would be very advisable if some middle course could possibly be devised. As he understood the terms of the noble

Lord's proposition, the Committee would be restricted from going into any inquiry as to the principle of any part of the measure whatever; and that was a limitation to which he, for one, could not bring himself to submit. He wanted a full, fair, searching inquiry into very many points of the principle of this measure. He wished to know how it bore upon the aged, the infirm, and particularly the sick. He wished to inquire into the working of those clauses, commonly called the bastardy clauses, with respect to which the noble Lord had not stated anything; and he, for one, was anxious to hear whether the Committee would be debarred from inquiring into and considering the propriety of their continuance. He agreed with the noble Lord in the commendation he had bestowed upon that part of the Bill which related to the able-bodied labourer compelling him to work, at all events not to be idle at the expense of others; but it did not follow that he approved equally or at all of that part of the system which placed the aged, the infirm, and, above all, the sick, so frequently in circumstances of extremest hardship. With regard to medical treatment alone, the noble Lord said, he did not see why a man who could not maintain himself should receive better medical attendance than he could have at home. But with great deference, he ventured to think that a man reduced by poverty, without any fault it might be of his own, and when sickness and infirmity assailed him, was entitled to the best medical assistance that could be procured. The rule, however, was precisely the reverse under the present system. In the petition which he presented it was stated that the office being farmed out to the lowest bidder, one of two things invariably happened, either it was given to some individual of nominal eminence, who devolved on some inferior person the care of the poor, or a young practitioner required it, who frequently learned his profession at the expense of the poor. In that state of things, he asked, were they to be at liberty to inquire into the principles of the Bill, or were the principles at all events to be upheld, and were they only to be allowed to inquire into the practical administration of the law by the Commissioners? If that was all they had to do, he saw no necessity whatever for the inquiry. He knew the Commissioners to be gentlemen of the highest honour and most humane feelings. But that was not the question. The real question was what was the law—what were the principles on which it proceeded, and how it should be applied in all cases? He should vote for the motion of the hon. Member for Berkshire, although he did not altogether subscribe to all the sentiments of those who had supported it, because if his Committee were granted a full, fair, and satisfactory inquiry must be the result; whereas, looking at the words of the noble Lord's motion rather than his speech, the investigation might be stopped on the most important points.

Mr. *Hume* had been anxious to speak after the hon. Member for Southwark, because it appeared to him that the hon. Member was mixing up with his speech matters entirely foreign to the subject, and likely to lead the House from the matter before them. If the hon. Member at a fitting time would bring before the House the subjects either of the operation of the Corn-laws on the industry of the country, or of the unequal manner in which taxation pressed on the poorer classes, he would find no man more anxious than he to support the propriety of reviewing the whole of these questions. But the impression which the hon. Member appeared desirous to convey was, that the new Poor-law had the same effect in bearing on the industry of the country which Corn-laws and unequal taxation had. It appeared to him that such was in no respect the case, and that the epithets which the hon. Member had used in designating the measure—epithets which it had been much better to have withheld—were altogether apart from the real merits of the case. He (Mr. Hume) had voted for that measure because he found that the poorer classes of the community—those who lived by their industry—were, in consequence of the abuses which had existed under the former working, rapidly sinking in the scale of society. The system of indiscriminate relief had worked great evil. He thought the hon. Gentleman and his hon. Friend had not done fairly in quoting the acts of cruelty that had taken place. It was notorious that acts of cruelty in the administration of the Poor-laws before this measure passed might have been selected from every week in the year. He repeated, then, that it was not fair to select evils now as evidence of the bad working of the Act when before it passed evils existed, and to a much greater extent. The question was, whether the principles of the measure were correct, and whether they had been properly carried out by the Commissioners. The powers they had vested in the Commissioners were undoubtedly of an extraordinary character, but the evils to be remedied were equally extensive and alarming; and they were now in a condition to inquire into the manner in which they had exercised them. If he thought the inquiry was to be limited in any way, so as not to include the principle of the Bill, and the application of that principle, he, for one, would not support it. He was for the fullest and most complete inquiry. [Major *Beauclerk:* Then, why support an amendment?] He should support the amendment of the noble Lord, because the original motion was moved and seconded by Gentlemen who declared themselves hostile to the Bill. The hon. Gentleman, the Member for Berkshire, had done everything in his power, for the last three years, to damage the Bill, and resist its operation. He had declared himself hostile to the principle of the Bill again and again. In a Committee of which he had the management, they could not expect a fair inquiry into the principle or working of the Bill; everything would be done to overturn it at once. His seconder, too (the hon. Member for Oldham), had opposed the Bill originally; he was one of the twenty who voted against it. He believed the hon. Member was strictly honest in his views; but when he stated, that he had advised the Act should be resisted, that he had called upon those over whom he had any influence to use force against force, and not to carry its provisions into effect; and that, happen what would, they should never be introduced into his happy valley, was it possible for those who approved of the principle of the Bill to consent to go into a Committee, leaving the direction of it in the hands of such uncompromising opponents of the Bill in every shape and form? But he understood the noble Lord to pledge himself, by his speech, to admit every inquiry that should not go to repeal the Bill. His hon. Friend complained, that destitution had been laid down as the principle on which relief should be given. He always understood that it was the principle of the 43rd of Elizabeth, which was acted on at the present day; and was it possible that his hon. Friend could attack a principle so well founded? His hon. Friend said he had presented a respectable petition, complaining of the operation of the Act; from the vestry of St. George's, Southwark. He recollected only last year this same vestry finding fault with the Commissioners for having enforced certain regulations they had passed respecting the sale of bread. What was their complaint against the Bill? They complained not of the quantity of the bread, nor of the quality, but they were dissatisfied because it was supplied by contract. Bread was furnished by contract at a cheaper rate, and equally good in quality. Fivepence per quartern was, he believed, the contract price; but the bakers of the parish used to obtain 7*d.* for it. If this single act was an evidence of their general proceedings, their petition was worthy of very little attention. He said very little, because all petitions were worthy some; but the weight of petitions and the weight of evidence on the other side was worthy of, at least, an equal degree of consideration. He did not deny that there might be great improvements suggested in the present system by the proposed inquiry, but that inquiry ought to be conducted with a view not to overthrow, but to amend; not to destroy, but to improve. His hon. Friend said, that two millions of persons formerly received out-of-door relief, and he (Mr. Hume) believed that the gin-shop and the beer-shop used to obtain the larger portion of the funds so disposed, instead of the poor families that ought to have received it. The Act deprived the gin-shops not only of the tax which the poorer rate-payers paid, but put an effectual stop to the accompanying idleness and dissipation. If the testimony could be believed which was afforded by the different unions in favour of the Bill, it appeared that instead of the reduction which had taken place in the pecuniary allowances having been attended with that general distress which was attributed to it, a very great improvement had taken place, both in the physical and moral condition of the poor. He thought that his hon. Friend had not acted with candour in designating the Act as an Act which groun the poor man. He believed it as much calculated to benefit the poor man as the rich; he believed that it would improve the moral condition of the poor, and encourage industrious habits; and he hoped his hon. Friend did not mean to abolish the distinction which ought always to be preserved between industry and idleness. He believed the Act had worked most beneficially for the great majority of those who received relief. Were they not bound to protect those who occupied a station in society just above that of the poor man, from paying money for the support of the dissolute and the idle? In the Poor-law Administration Act, this principle was decidedly laid down—the principle that destitution, he should rather say want, alone ought to entitle to relief. He complained, therefore, that his hon. Friend had not taken that view of the subject which he ought to have done, and had put the case in an unfair light. If he recollected right, the discussion which this measure received had been most bitterly pounced upon by certain public journals; the alarm had been sounded by *The Times* a month before the Bill passed into a law; and it had continued, day by day, attempting to terrify the people into opposing it. He was surprised that a man of his hon. Friend's discernment could be misled by its alarmist cry. He considered the passing of the Act as a great triumph over the attempts which the journals made to render it an object of hatred and loathing to the public. Those journals had attempted to write down the measure; they had prophesied they would be able to write it down; and up to this moment they had carried on their rancorous opposition to it, retailing every story that could injure it, however improbable, and no doubt inventing some. He had himself seen stories, which had been contradicted from authority, repeated again and again. He had no doubt that, on examining the volume which the hon. mover had read to the House that evening, if name, time, and place were given, it would be found to consist of the rakings of *The Times* for the last twelvemonth. If the Commissioners had not properly exercised the powers intrusted to them by the Act, the Committee proposed by the noble Lord would point out in what respects they had failed to do so, and it would be the duty of the House to correct their errors. Notwithstanding all the opposition to the Act in particular quarters, he was happy to say that it was generally popular in the country. He would be the last to treat the sick or the aged with severity, and when the Bill was passing through that House, he had said that a change of such immense importance could not be carried into effect without great suffering to individuals; but he had maintained at the same time, that the Commissioners and the guardians must be left to the exercise of the discretion with which they were vested, in order to make that hardship as light as possible. The hon. Gentleman who seconded the motion, had asked him, how he could support the hon. Members for Bath and Liskeard in their opinion of the advantages of local administration, while he sanctioned this measure? Now, he contended that the Act established a sytem of local administration, and the only drawback to it was, that the accumulative votes given to the rate-payers rendered its operation uncertain. He admitted the existence of *ex officio* guardians to be an evil; he believed they, in some cases, out-numbered the regular guardians; and it would be a question for the consideration of the Committee, how far the power vested with them had interfered with the due exercise of those which were lodged in the Commissioners and guardians. The administration by guardians, appointed by the rate-payer to protect his interest, was essentially local; and as to centralization, he looked upon it as a mode of superintendence necessary to insure uniformity in the operation of the system. He had seen men intrusted with the administration of the rates in country parishes, afraid to refuse demands which were made, in consequence of the outcry which was raised, and every person who wished honestly to discharge his duty in the application of the rates, must be pleased to be controlled in the exercise of it, in order to be enabled to carry into effect the intentions of the Act itself. In this respect, the Act had succeeded better than he could have conceived possible. He was satisfied they would effect an improvement in the condition of the working classes, in their moral character and in their happiness, which no man would have anticipated four years ago, and that those who paid rates, as well as those who received them, would be benefitted. Under these circumstances he should give his cordial support to the amendment of the noble Lord, believing that they should thereby secure the fullest and fairest inquiry.

Debate adjourned.

HOUSE OF LORDS,

Monday, February 27, 1837.

Minutes.] Petitions presented. By the Earl of Clarendon, Lord Kenyon, Lord Wynford, the Earl of Shaftesbury, the Earl of Devon, Bishops of Exeter, Winchester, and Lord Ashburton, from various places, against the Abolition of Church Rates.—By the Duke of Cleveland, Viscount Melbourne, and Lord Brougham, from Ilchester, Maidstone, Durham, and other places, for the Abolition of Church Rates.—By Lord Duncannon, from Moylough, Angheart, Grange, and Grose, for the Abolition of Tithes (Ireland); and for Municipal Corporations (Ireland) Bill.—By Lords Kenyon and Redesdale, from Macclesfield and Stow on the Wold, Union, Gloucestershire, against any Alteration of the Poor-law Amendment Act.

HOUSE OF COMMONS,

Monday, February 27, 1837.

Minutes.] Petitions presented. By Mr. Curteis, from Cuckfield, against altering the New Poor-law.

Breach of Privilege.] Mr. Sergeant *Jackson* rose in the discharge of an exceedingly irksome, but which he felt an incumbant duty upon him, to call the attention of the House to a publication in the *Morning Chronicle* of last Friday, reflecting upon him in terms equally false and calumnious, in connexion with the vote which he felt it is duty to give upon a question which recently came before that House, on the motion of the hon. Baronet the Member for Cornwall (Sir W. Molesworth). He should without further preface, read to the House the paragraph of which he complained as a matter of grievous calumny; and which, he submitted, involved a gross breach of the privileges of the House, in assailing a Member with reference to the vote which he felt it his duty to give on a subject which was regularly brought under the consideration of the House. The hon. and learned Gentleman then read the following extract from the paper in question:—

> "Some striking instances of Irish modesty are exhibited in the division on Sir William Molesworth,s proposition for abolishing the property qualification. Mr. Shaw and Dr. Lefroy, who, as representatives of the University are themselves specially exempt from the operation of the existing absurd law; and Mr. Sergeant Jackson, who was a bankrupt, uncertificated until within three weeks of his return for Bandon, all voted against the hon. Baronet's motion &c."

The paragraph was headed, "From our own correspondent." Then came some ribaldry, reflecting on the hon. Member for Belfast, or rather on his father, who had been in his grave for the last twenty years, and who had been always understood to be one of the most respectable merchants in the town of Belfast. Having read the paragraph to the House, he would say it involved a grievous imputation on his moral character as a Member of that House. As he had stated before, it was false as it was calumnious; and he implored the indulgence of the House for a few minutes, while he attempted very briefly to state a few facts and circumstances which the writer of the paragraph probably had in view at the time he wrote. A very short time after he (Mr. Sergeant Jackson) had been called to the bar his father died, leaving a very large family, chiefly of young children. One brother was apprenticed in a manufacturing house of considerable respectability in Dublin, and a sister was married to a member of the firm. Through a pressure on the manufacturing trade in Ireland that House was under the necessity of vesting its affairs in the hands of trustees. The trustees endeavoured to get the engagements fulfilled, but in vain, and they were under the necessity of selling the establishments belonging to that firm. He was placed (he might say) *in loco parentis* with regard to the younger branches of his family. He recommended, therefore, that a place in the establishment of Benjamin, Clarke, and Co., of Dublin, should be purchased for his younger brother, who was a minor. A gentleman came forward as a partner, bringing in both capital and skill. He (Sergeant Jackson) gave his name as a trustee for his brother, and as a guarantee that all would be right. The business proceeded, as he understood, most prosperously, but after a short period he was given to understand from a confidential person that property had been abstracted from it to a considerable extent by the gentleman who had become the partner of his brother. The books were fabricated, and false entries made. What was his conduct on the occasion? He trusted the House would be of opinion that it was the conduct of an upright and honourable man. He was a young man at the time, and had not been long a Barrister. He called on two of the most respectable merchants in the city of Dublin, and asked their advice as to the course he ought to adopt. Those gentlemen were still living, and were respectable members of the mercantile world. The circumstances being so urgent they recommended him to resort to a summary proceeding, and to invite those who consulted his interests in the firm to issue a commission of bankruptcy against it. He himself had never possessed any interest in the firm, and had acted throughout merely as trustee for his brother. He stated to the gentlemen whom he consulted that he invited proceedings to be taken against the house—and that he wished only to save the property for those who had intrusted the firm on the faith of his credit. He convened a meeting of the principle creditors, stating that he desired to forego all the advantages that he might claim for himself in the matter—he recommended them to strike the docket of bankruptcy. The course so advised was followed, and they succeeded in recovering a considerable portion of the property, so that a large dividend was paid to the creditors. He had inherited a small patrimonial property, which was brought to sale, and the proceeds applied to the same purpose—and he even insisted on their taking his library, and converting it into money, and applying it as far as it could go. The property certainly had been purchased by a friend, but its full value was given, and the amount applied as he had stated. Several gentlemen, many of them Members of his own profession, offered their assistance—one came into his house the next morning, and laid upon his table the sum of 1,000*l.*, desiring that he should make what use he pleased of it. Of course he did not condescend to accept another person's money to apply it to his own purposes. He loved his profession, and he trusted that his efforts to attain eminence in it would not prove unsuccessful. He formed the resolution never to suffer a single shilling to be lost by any individual who had trusted that Firm, and he could now produce receipts in full from every human being. He was sorry to trouble the House with a matter so purely personal, but he never saw it denied to any man who was unjustly stigmatised and accused, an opportunity of defending himself. The matter did not confine itself to the character of an individual; the House had a deep interest in the character of the individuals who composed it, and the country at large had a deep interest in the moral character and conduct of its representatives. He was happy to see the Chancellor of the Exchequer in his place, for the right hon. Gentleman would be able to state that the persons whom he had consulted on the occasion referred to were of the most respectable character. One of them was Mr. Samuel Bewley, a most eminent merchant, still alive; the other, too, was also yet living, and in business; as also the agent to the commission, and the clerk in the firm, whose affairs were involved in difficulty, as well as some of the assignees who had been appointed. All these persons were, therefore, capable of refuting him if he stated anything that was untrue. He hoped he had sufficiently made out a case in answer to the slander that he "was a bankrupt, uncertificated until within three weeks before he was made a Member;" when the fact was, that the whole body of creditors had signed the certificate. These transactions had taken place so far back as 1818, and yet that audacious paragraph had asserted that he was an uncertificated bankrupt until within three weeks before he was returned to that House. He was not anxious to press heavily upon those who had an arduous and important public duty to perform, well knowing that every newspaper must be at the mercy of those who communicated facts from the other side of the water; but he must say that it was the incumbent duty of an editor to have seen that he had a respectable and faithful correspondent—and to have ascertained the correctness of the facts he was about to state, reflecting so grievously on private character, before he held up to the British public an individual who, however humble, had never forfeited the character of an honourable and upright man. He was willing to make every allowance for the press, and did not bring this matter forward with any vindictive feeling. He would throw himself entirely on the feeling of the House, and take any course which it thought fit to recommend. He was quite satisfied that what had been intended to injure his character would have the effect of raising it in the estimation of hon. Gentlemen on the other side of the House.

Dr. *Lefroy* claimed the indulgence of the House for a few moments. He should not have felt it necessary to do so, if the character of his hon. and learned Friend was as well known in this country, as it was in that from whence the calumny had emanated, and as fully appreciated by the Members of the House as by the profession to which he belonged. He rose merely for the purpose of making this statement, as a member of that profession to which they both belonged, to every member of whom the circumstances detailed by his learned Friend were known at the time. The whole of these circumstances came under their cognizance, and he would venture to say, that his hon. and learned Friend did not lose in the estimation of the profession, any more than he did in the estimation of his friends, an atom of the high character he had always held. Although the circumstances had been dragged forward now, with the malicious view of hurting his feelings, and injuring his character in a strange country, he would venture to say, that they were remembered in Ireland, and spoken of only to his honour and credit. It was perfectly true, that the members of the profession to which he belonged were anxious to give him every assistance to extricate him from difficulty, but his hon. and learned Friend, from a sense of what was due to his character, which had been always disinterested, noble—he would almost say, chivalrous—had declined the proposed assistance, and had resolved to rely on his own talents to extricate himself, and, he was happy to say, he had done so by the exercise of his profession, to which there did not exist a greater ornament. He was satisfied that the circumstances that attended the transaction, had been such as to raise his character in his own profession, and would have the same effect on the House, now that they were fully informed of the true circumstances of the case. He would not speak more on the subject. He was anxious to give his testimony to the House, as his hon. and learned Friend's character might not be so well known in this country as amongst the members of his profession in his own.

The *Chancellor of the Exchequer* said, that he was not at all aware, until the circumstance had been brought forward, that any paragraph of the kind alluded to, had been inserted in any paper. He concurred entirely in the condemnation that had been given to such proceedings. He thought that personal attacks upon private character, for the purpose of influencing politics, were unmanly and ungenerous—because the party attacked must either labour under the charges made against him, or do that which might be extremely hurtful to his feelings, and come forward for the purpose of vindicating his character. The attack that had been made on the learned Gentleman opposite, throwing entirely out of question the speech that he made, was most unjustifiable. If, then, it could be considered unjustifiable, previous to the statement of the hon. Member, how much more so must it appear, after the explanations which had been given on the subject? When the hon. and learned Member had so entirely grappled with the case, the charge, which, even if true, would have been an improper one, became doubly unjustifiable, when it was shown to be entirely unfounded. If the hon. and learned Member had been longer in the House, he would perhaps have felt less warmly on the subject, because these charges were brought every day against individuals on both sides of the House. He was sure that there were very few persons on his side, and not many on the other, who had remained unattacked. The frequency of the practice was, he allowed, no excuse for the present attack; but still he thought that, under the whole of the circumstances, the hon. and learned Gentleman would find, that in the eyes of the House, after the explanation which he had given, and after stating facts and circumstances which could not be controverted, and after having completely refuted the statement which had been made, the case did not call for any further step. He could assure the hon. and learned Gentleman, that if he thought that anything further than his own statement was needed for his justification, he, for one, would not call upon the hon. and learned Member to stay where he was. But the hon. and learned Gentleman having fully satisfied the House, as he trusted he had—[Loud cheers attested the correctness of the remark]—that no imputation whatever rested on his character, he hoped that the hon. and learned Gentleman would feel, that he had discharged his duty adequately, and that it was not necessary to proceed further in the matter. If this opinion was correct, he would move the Order of the Day for renewing the adjourned debate.

Mr. Sergeant *Jackson* had put himself entirely in the hands of the House, as he did not think himself justified in passing over so false and calumnious a charge. He must be allowed to say still, that he felt it to be his duty to give the newspaper, or rather its informant, an opportunity of justifying the statement by commencing legal proceedings against it.

MUNICIPAL CORPORATIONS ACT

AMENDMENT.] The *Attorney-General* hoped that, before proceeding with the adjourned debate, the House would allow the third reading of the Municipal Corporations Act Amendment Bill to take place. It was of the greatest importance that there should be no further delay in the passing of this Bill, which was not at all a party measure. He begged to move the third reading of the Bill.

Bill read a third time.

Sir *Edward Knatchbull* then moved a clause, to the effect that every person voting at the election of town-councillors, or aldermen, should do so by delivering personally, at the meeting, to the mayor or chairman, a voting paper, containing the name and surname of the person for whom he votes, such paper, when read, to be delivered by the mayor to the town-clerk, and that every election of aldermen, made before the passing of the Act, should be valid, by whatever form made.

Clause agreed to.

The *Attorney-General* brought up a clause to this effect:—"That a person entitled to be admitted to the freedom of a borough, at the time of the passing of the Act, shall be entitled to be admitted on the same conditions as any person who shall have acquired his title after the passing of the Act."

Mr. *Thornley* said, that he should certainly oppose the clause, for its object was to extend the franchise to the freemen in a way that was never intended.

The *Attorney-General* said, the object of the clause was, not to extend the franchise, but to prevent litigation and expense in prosecuting appeals.

Mr. *Thornley* could not consider the clause in any other light, and he should therefore take the sense of the House upon its rejection.

The House divided on the clause:—Ayes 218; Noes 14: Majority 204.

List of the AYES.

Alston, R.
Angerstein, John
Anson, hon. Colonel
Arbuthnot, hon. H.
Bagot, hon. W.
Bagshaw, John
Baillie, H. D.
Ball, N.
Barry, G. S.
Beauclerk, Major
Beckett, rt. hon. Sir J.
Bentinck, Lord W.
Bernal, R.
Bethell, Richard
Bewes, T.
Blackburne, I.
Blackstone, W. S.
Boldero, H. G.
Bonham, R. Francis
Borthwick, Peter
Brady, D. C.
Brotherton, J.
Browne, R. D.
Buller, Charles
Burdon, W. W.
Buxton, T. F.
Byng, rt. hon. G. S.
Campbell, Sir J.
Canning, rt. hon. Sir S.
Cartwright, W. R.
Cave, R. O.
Chandos, Marquess of
Chapman, A.
Chetwynd, Captain
Chichester, A.
Clay, W.
Clerk, Sir G.
Colborne, N. W. R.
Cole, hon. A. H.
Collier, John
Conolly, E. M.
Conyngham, Lord A.
Corry, rt. hon. H.
Cowper, hon. W. F.
Crawford, W. S.
Cripps, J.
Curteis, H. B.
Dalbiac, Sir C.
Darlington, Earl of
Davenport, J.
Denison, W. J.
D'Eyncourt, rt. hon. C. T.
Donkin, Sir R.
Duncombe, T.
Dundas, hon. T.
Eaton, R. J.
Ebrington, Viscount
Egerton, Lord Fran.
Ellice, right hon. E.
Entwisle, J.
Fazakerley, John N.
Fector, John Minet
Ferguson, Sir R.
Fergusson, rt. hon. R. C.
Fielden, J.
Finch, G.
Finn, W. F.
Forbes, W.
Forester, hon. G.
Forster, C. S.
Freemantle, Sir T.
Freshfield, J. W.
Geary, Sir W.
Gisborne, T.
Gladstone, T.
Gladstone, W. E.
Gordon, R.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grattan, J.
Grey, Sir George
Gully, John
Halford, H.
Hall, B.
Hamilton, Lord C.
Handley, H.
Hanmer, Sir J.
Hardy, J.
Harland, W. Charles
Harvey, D. W.
Hastie, A.
Hawkins, J. H.
Hay, Sir A. L.
Heathcoat, J.
Hector, C. J.
Hinde, J. H.
Hindley, C.
Hogg, James Weir
Houldsworth, T.
Howard, P. H.
Hume, J.
Humphrey, J.
Hurst, R. H.
Hutt, W.
Jackson, Mr. Sergeant
Jephson, C. D. O.
Johnstone, Sir J.
Johnstone, J. J. H.
Jones, T.
Knight, H. G.
Knightley, Sir C.
Lambton, H.
Lees, J. F.
Lefevre, Charles S.
Lefroy, right hon. T.
Lennard, T. B.
Lennox, Lord G.
Lincoln, Earl of
Lister, E. C.
Long, W.
Lushington, Dr.
Lushington, Charles
Lygon, hon. Gen.
Macnamara, Major
Mactaggart, J.
Marjoribanks, S.
Martin, J.
Methuen, P.
Miles, William
Mordaunt, Sir J.
Moreton, hon. A. H.
Morpeth, Viscount
Mosley, Sir O.
Mostyn, hon. E.
Mullins, F. W.
Musgrave, Sir R.
Norreys, Lord
O'Connell, M. J.
O'Ferrall, R. M.
Oliphant, Lawrence
Paget, F.
Palmer, R.
Palmer, Gen.
Parker, M.
Parker, J.
Parrott, Jasper
Parry, Sir L. P. J.
Patten, John Wilson
Pattison, J.
Pease, J.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Perceval, Colonel
Pinney, W.

Plumptre, John P.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Pringle, A.
Rice, right hon. T. S.
Richards, R.
Robarts, A. W.
Robinson, G. R.
Roche, William
Rolfe, Sir R. M.
Ross, C.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord C.
Ryle, J.
Scarlett, hon. R.
Scrope, G. P.
Seymour, Lord
Sibthorp, Colonel
Smith, R. V.
Smyth, Sir H.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Stanley, W. O.
Stewart, John
Stormont, Viscount
Strickland, Sir G.
Stuart, Lord J.
Stuart, V.
Thompson, Colonel
Trelawney, Sir W.
Trevor, hon. A.
Troubridge, Sir E. T.
Vere, Sir C. B.,
Villiers, C. P.
Vivian, J. H.
Vyvyan, Sir R.
Walker, R.
Wallace, Robert
Walter, John
Wason, R.
Whalley, Sir S.
Whitmore, T. C.
Wilbraham, G.
Wilbraham, hon. B.
Wilkins, W.
Wilks, John
Williams, Robert
Williams, W.
Williams, Sir J.
Williamson, Sir H.
Wood, C.
Worsley, Lord
Wortley, hon. J. S.
Woulfe, Mr. Sergeant
Wrightson, W. B.
Wrottesley, Sir J.
Wynn, rt. hon. C. W.
Yorke, E. T.
Young, G. F.
Young, J.

TELLERS.

Baring, F.
Stanley, E. J.

List of the Noes.

Bodkin, J. J.
Ewart, W.
Fitzsimon, C.
Gaskell, D.
Grote, George
James, W.
Leader, J. T.
Marshall, William
Marsland, Henry
O'Connell, D.
O'Connell, Morgan
Potter, R.
Scholefield, Joshua
Warburton, H.

TELLERS.

Thornley, T.
Wakley, T.

Clause to be added to the Bill.

Mr. *Harvey* had a clause to propose, which was of so much importance, that he must beg the attention of the House to it. He must say, that he never remembered a Bill of such importance as the present, passing through all its stages with so little observation. It had excited scarcely any attention whatever, or rather, it had gone through its different stages amidst a confusion, which rendered it impossible that even the most strained attention could ascertain what any one hon. Gentleman who addressed the House on the subject, was speaking about, or what the question was which they were required to decide. He thought the proposition which he had to make, was one which would be received by the House, but more particularly by the hon. and learned Attorney-General, with a cordial assent, as its object was not only to render the laws pure, but the administration of public justice impartial. He begged leave, therefore, to propose the following clause:—"No person holding the office of Recorder, Deputy Recorder, or Assistant Barrister, in any City or Borough in England or Ireland, shall be eligible to serve in Parliament, or to be an Alderman, Councillor, or Police Magistrate, in such City or Borough." His object was, that the same rule that applied to the judges should be applied to all other persons holding judicial offices involving similar duties.

Clause read a first time. On the question that it be read a second time,

The *Attorney-General* said, if he had been aware that his motion would have led to a protracted discussion of this kind, he should not have ventured to postpone the adjourned debate on the Poor-law Amendment Act. He was willing to admit that the clause proposed by the hon. Member for Southwark, was an important one—so important, indeed, that he should wish to see it made the subject of a separate Bill. It went, however, beyond the scope of the present measure, which was confined to England, while the hon. Gentleman intended his clause to extend to Ireland. He was not prepared to say that recorders should be excluded from seats in that House, nor could he think that there was any analogy between their case, and that of the judges. The recorders were seldom occupied in the exercise of their judicial functions more than four days in the year; and, therefore, as their duties in no way interfered with their discharging the duties of Members of that House, he must give the proposition of the hon. Member for Southwark his decided opposition.

Mr. *O'Connell* remarked, that the clause was already in operation in Ireland, as the assistant-barristers were precluded from having a seat in Parliament. He considered the clause of so much importance, that if the hon. Member for Southwark divided the House, he would go out with him. Persons in a judicial capacity ought to be excluded from having a seat in that House. If such persons acted erroneously in their offices, there was no other tribunal but Parliament to correct them. In that House, they were all aware that party spirit prevailed, and they ought to be most careful, that no man brought to the bench the slightest tinge of party spirit.

The *Solicitor-General* opposed the clause, and said that, as a remuneration of recorders did not amount to more than perhaps 20*l.* a-year, it was absurd to suppose that they were highly paid. For the most part, the office was merely honorary.

Mr. *Grote* was in favour of the clause, and thought, that those who held judicial offices, should be obliged to devote their whole time to the business of those offices. He was an advocate for local Courts.

Mr. *Scarlett* denied that the nominal salaries attached to these really honorary offices could influence the votes of the parties holding them in that House.

Mr. *Harvey* said, that if he thought the law-officers of the Crown were sincere, he would not press his motion. He did not, however, think so—and, consequently, he must persevere. It was said, that the recorders were not highly paid. Why, had not the recorder of London 2,500*l.* a-year, and were not the duties of that hon. and learned Gentleman considered so onerous, that there was some intention of giving him another 1,000*l.*? There was another recorder, who, if he were not mistaken, was also well paid, and had considerable business connected with his office to attend to. Let them see how the system worked at present under this Bill. Any corporate town might have a judge, and the government of the time being would have the appointment of all those judges at disposal. He had had it for some time in contemplation, to move for a return of the gentlemen of the bar, with a statement of any place or office held by each individual; and he certainly thought it would be difficult to find, throughout the entire list of the bar, the name of any man of five years' standing, who was not either in possession of a place, or in expectation of some appointment or other. He was well aware, that their superior moral habits, and stricter education, enabled the gentlemen of the bar to make a stronger struggle against this system of seduction than other men, but his object was, to protect them from that system of seduction altogether, and to preserve them in a state of forensic purity. If he thought that the law-officers of the Crown were sincere in the recommendation that they had given, and that they would promise to support him in bringing forward a Bill for this purpose, he would willingly do so; but unless he got an assurance of their support, he would persevere in pressing his motion to a division.

The House then divided:—Ayes 52, Noes 108: Majority 56.

List of the AYES.

Angerstein, J.
Beauclerk, Major
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Brady, D. C.
Bridgman, Hewitt
Brotherton, J.
Bulwer, H. L.
Burton, H.
Collier, J.
Crawford, W. S.
Denison, W. J.
Duncombe, T.
Fitzsimon, C
Grattan, J.
Grote, George
Hall, B.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Humphery, John
Lawson, A.
Lister, Ellis Cunliffe
Macnamara, Major
Maher, J.
Marjoribanks, S.
Marsland, H.
Musgrave, Sir R.
O'Brien, W. Smith
O'Connell, D.
Paget, F.
Pease, J.
Potter, Richard
Power, James
Roebuck, John A.
Rundle, John
Ruthven, E.
Stanley, W. O.
Strickland, Sir G.
Stuart, Lord J.
Thompson, Colonel
Tulk, C. A.
Wakley, T.
Wallace, R.
Wason, R.
Whalley, Sir S.
Wilks, J.
Williams, W.
Williams, Sir J.
Young, G. F.

TELLERS.
Harvey, D. W.
Leader, J. T.

List of the NOES.

Alston, Rowland
Anson, Hon. Colonel
Bailey, J.
Baillie, H. D.
Barnard, E. G.
Barneby, J.
Benett, J.
Blackstone, W. S.
Boldero, H. G.
Bonham, R. F.
Borthwick, P.
Buller, E.
Byng, rt. hon. G. S.
Campbell, Sir J.
Canning, rt. hon. Sir S.
Chichester, A.
Clerk, Sir G.
Curteis, H. B.
Dalbiac, Sir C.
Darlington, Earl of
Davenport, J.
Donkin, Sir R.
Eaton, Richard J.
Ebrington, Viscount
Egerton, Lord F.
Elwes, J. P.
Entwisle, J.
Fector, J. M.
Feilden, W.
Finch, G.
Forbes, W.
Forster, C. S.
Fort, John
Gaskell, J. M.
Gladstone, W. E.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Halford, H.
Hamilton, G. A.
Handley, H.
Hardy, J.
Hastie, A.
Hawkins, John H.
Hodges, T. L.
Hogg, J. W.
Houldsworth, T.
Howard, P. H.
Howick, Viscount
Hurst, R. H.
Jephson, C. D. O.
Johnstone, J. J. H.
Jones, T.
Knight, H. G.
Lefroy, rt. hon. T.
Lemon, Sir C.
Lennox, Lord G.
Long, W.

Longfield, R.
Lushington, Dr.
Lygon, Hon. General
Mackenzie, S.
Marshall, W.
Miles, W.
Moreton, Hon. A.
Morpeth, Viscount
Mosley, Sir O.
Mostyn, hon. E.
Palmer, R.
Palmer, G.
Parker, John
Parry, Sir L. P. J.
Pinney, W.
Plumptre, J. P.
Rice, rt. hon. T. S.
Richards, J.
Richards, R.
Rolfe, Sir R. M.
Ross, Charles
Rushbrooke, Col.
Sandon, Viscount
Scarlett, hon. R.
Scott, Sir E. D.
Scrope, G. P.
Seymour, Lord
Sibthorp, Colonel
Smyth, Sir H.
Somerset, Lord G.
Stanley, E. J.
Stanley, E.
Stanley, Lord
Stewart, J.
Stormont, Viscount
Strangways, hon. J.
Stuart, V.
Troubridge, Sir E. T.
Vere, Sir C. B.
Verney, Sir H.
Vernon, G. H.
Vesey, hon. T.
Vivian, J. E.
Walter, J.
Wilbraham, G.
Williams, W. A.
Wilson, H.
Wood, C.
Wood, Colonel T.
Worsley, Lord
Wortley, hon. J. S.
Wrightson, W. B.

TELLERS.
Grey, Sir G.
Pryme, G.

Clause rejected.
Bill passed.

POOR LAW AMENDMENT ACT—ADJOURNED DEBATE.] The Order of the Day for the Adjourned Debate on the Poor-law Amendment Act having been read,

Mr. *Brotherton* was anxious to offer a few observations on the question before the House. He trusted that they would enter upon the discussion free from any party spirit, and with a desire to ascertain what they could adopt which would be best for the country, and be compatible with a just consideration for the condition of the working classes. When this measure was originally before the House he had voted against many of its provisions. He considered the powers given to the Commissioners far too extensive, and a violation of the power of local self-government. In the borough which he represented a meeting had lately been held, at which resolutions were passed condemnatory of many parts of this Act, and particularly of the extensive and arbitrary powers conferred on the Commissioners. Having read some extracts from the resolutions referred to, the hon. Member proceeded to say that he thought that a discretionary power should be left in the hands of the guardians as to the administration of relief in particular cases. The powers of the Commissioners ought not to supersede those of the guardians. The general supervision of the Commissioners would no doubt be useful, but that was all that would be necessary, for the Board of Guardians ought to have the discretionary power of deciding with respect to relief. He had always objected to this change of system, as particularly unnecessary and inapplicable in the manufacturing districts. In those districts, owing to the continual fluctuations in trade, the poor rates had constantly varied in amount, at some periods rising to double what the amount was at other periods. The rule that there should be no out-door relief was an oppressive and arbitrary rule, and was accompanied with a severity which ought not to be inflicted on the industrious artisan who was reduced to distress by no fault of his own. The State was supported by the labour of the people, and, in a manufacturing and commercial country like this where, owing to the fluctuations of trade, the labouring classes were liable to be put out of employment, and where the State provided relief for the destitute, he thought that such a provision ought to be administered in a manner that would not reduce those for whom it was intended to a level with criminals. They were commanded by a sacred authority that they should not harden their hearts against the poor; and they were assured that the greatest blessings would await that country where the wants of the poor were attended to. The laws of England declared that every man in this country had a right to support, but the Poor-law Amendment Act was a departure from the spirit of those laws. The professed object of that Act was to reduce the poor-rate, and to bring about an improvement in the state and habits of the labouring population. He admitted that, to some extent, it had had the effect of reducing the rates, but he objected to the means by which that result had been accomplished. There was the total denial of all out-door relief, the constant confinement in the workhouse, and the separation of the husband from the wife, and of the parent from the child. To keep up the semblance of local authority the guardians were elected; but at these elections every landholder was entitled to vote by proxy. It was said that these means were adopted in order to throw the people on their own resources. This perhaps might be a just principle in some cases; but not generally applied. If men became unfortunate and destitute by their own misconduct it was right that they should suffer punishment; but the evils and distresses that were attendant on a manufacturing population did not exist from any fault of their own. They were derived from the vicissitudes and uncertainties of trade; from the fluctuations of our monetary system; and from the operation of bad laws, too often made rather with a view to private interest than to the general benefit of the community. Even in the agricultural districts the poor had been greatly abridged of the privileges they had heretofore enjoyed, for in many places they had had small allotments of land, which was not the case at present. It was difficult to defend the poor among the rich, but he should like to see some other system adopted. He should like to see those laws repealed which pressed on the lower classes, and taxation in general equalised. One part of the law he especially objected to—that, namely, which prevented the guardians of the poor from granting relief while any little property remained; and he should be glad to see more discretionary power given to the guardians. He wished the House to consider only the hardship inflicted on the poor hand-loom weaver, who, owing to the rapid progress of machinery, was reduced to great straits, and who must sell his loom and every thing in his house before he could be admitted to the workhouse. That was only one instance among many of the hardships which the poor must suffer if the Act were carried into full effect.

Mr. *Cripps* congratulated the hon. Member for Berkshire, on having brought this question to an issue, and said he was exceedingly glad that the noble Lord had in a great measure acquiesced in the view of that hon. Member, by granting a Committee of Inquiry, in order to see what the effect of the present Bill had been. With regard to the numerous documents which had been read by the hon. Member for Berkshire, he did not mean to say they were incorrect, but that he distrusted them, as detailing cases into which full investigation had not been made, and which, in many instances, had been collected from the poor themselves. He was exceedingly glad that they were to have a Committee upon the subject, in order that the public might be furnished with a more correct and satisfactory account of the working of the measure, than that which they could collect from newspapers, in which not one out of ten paragraphs headed "Poor-law Amendment Act," had anything to do with it. He found fault with the hon. Member for Berkshire in condemning this measure, while from his own admission, it appeared he had not attended above fourteen or fifteen union meetings out of seventy or eighty. Indeed, he thought that hon. Member had an antipathy to the Bill itself, when he avoided attending those meetings; but had the hon. Member been present at even one half the number that he had attended, the hon. Member would have had reason, as well as many others who had also a great antipathy to the measure at first, to change his opinions respecting it. He (Mr. Cripps) had known several who were originally opposed to the Bill, to have changed their opinion regarding it after having attended those meetings, and seen its details investigated. Not one tenth part of the charges which had been made against the guardians, had been brought home to them. He had himself investigated some of them, and was astonished at finding them so satisfactorily cleared up. No Bill ever did or could have worked better than it had done in the union in which he lived, and he confessed he did not see any cause why it should not work with equal benefit and success in other unions. He acknowledged that he had not exactly followed the rules laid down by the Commissioners. He had, for instance, occasionally deviated from the rule, that no person in health should receive assistance unless in the workhouse, and on another occasion, had taken a portion of a very large family into the workhouse, which was attended with beneficial results; at the same time, that great caution should be observed in thus deviating from the rules, lest doing so might be attended with abuse. When it was considered, that by the present Bill, a saving of upwards of 2,000,000*l*. had been effeeted out of 7,000,000*l*., all should allow that it was a most desirable measure. He did not mean to say that that fact alone rendered it so, but when he felt convinced that the saving went into the pockets of the poor, he thought he was justified in calling it an admirable measure. That the Bill had been a great advantage to the country was clear, and though some hardships would necessarily occur in the dealing with so difficult a matter, yet he believed, that in general, the carrying of this measure into execution had not been, so far as he knew, attended with any cruelty or hardship. Therefore, desirous as he was, that a Committee should be appointed, yet he could not but think that the noble Lord had, by his amendment, given latitude enough to find out every defect in the Act, to have all things corrected which required correction, and to make it, as he did not doubt it would be made, as complete as any measure that ever yet passed the Legislature.

Colonel *Sibthorp*: Notwithstanding the almost prescriptive right which the hon. Member for Salford had acquired, as to obtaining an adjournment of the House at a certain hour, he had on Friday night last moved the adjournment, even though the noble Lord, the Secretary for the Home Department, was so anxious that the debate should then terminate. He had insisted upon that adjournment, and he stated then what he now repeated—namely, that he considered the present motion to be one of vital importance, and though but a few evenings before, a debate had been adjourned for three successive nights, on the Irish Municipal Corporations Bill, still he conceived, that on a law affecting so great a portion of the population of this country, as the Poor-law Amendment Act, it was not too much to require the noble Lord to assent to the adjournment, in order that full and complete consideration should be given to this important subject. He had not persisted in that course having the vanity, to think that anything which fell from him would have the effect of changing or influencing a single vote; but as he knew that several hon. Gentlemen, well acquainted with the subject, were prepared to address the House upon it, and to enter into a full discussion of its merits, he was fully borne out and warranted in requiring that they should have an opportunity of doing so. He had listened with great attention to the observations which had fallen from his hon. Friend who had just sat down, and he assured him, that for him he entertained the highest possible respect, though he differed from him on the present occasion. What had been his hon. Friend's statements with regard to this Bill? Why, in the first place, he remarked, that the statements which had gone forth in the public prints were highly coloured, and but little to be relied on. He begged to ask why, if that were so, the numerous statements, such as that made by a Gentleman of the name of Bull, and published in the public papers yesterday, were not answered? They remained, however, unanswered, still less were they contradicted; and he therefore had a right to assume that they were facts. If they were not founded on fact, it was the duty of the Government to have given their immediate and particular attention to them. The fact, however, was, that the public papers were teeming daily with statements of great cruelty, oppression, and hardship, under the operation of the new law. The hon. Member had said, that the statements made to the House were highly coloured by those hon. Members who were prejudiced with regard to the Poor-law Amendment Act, but the hon. Member had not attempted to show that any of them were incorrect. Another argument was, that the new Act had effected a great saving to the country, and it was therefore contended, that the measure ought to be the object of general admiration. This he denied, and on the contrary he deprecated the measure as one which no saving could justify. The poor people could not resist the measure, for, to use a homely phrase, "it was not likely that they would quarrel with their bread and butter," and though the hon. Member for Oldham had said he would recommend resistance, he (Colonel Sibthorp), as a magistrate and a citizen, would not ask the people to oppose that which was the law of the land. The hon. Member for Cirencester stated, that this excellent and humane law" could not by possibility work well, if left to the management of individuals in the country, and that the assistance of a Board of Commissioners, and Assistant-commissioners was essentially necessary. But he forgot to mention, that the omnipotency of the Commissioners was such, that the Board of Guardians could not give anything more to the paupers of their district, than was in conformity with the orders and regulations of the Commissioners, who were also empowered to decrease the allowance granted by the guardians, and few unions could be carried on without voluntary contributions. This appeared to be the case, even in the union over which the hon. Member himself presided, but the same ability voluntarily to assist did not exist in every union. The fault, however, did not lay with the Commissioners, but in the law which they were called upon to administer. He knew one of the Commissioners, and was convinced that a more excellent man did not exist. The Commissioners, however, did not create the law, but had merely to carry it into full force and effect. There was, however, to him, in the very name of Commissioner, something so discordant and horrible, that, coupled with the host of Commissioners, and Assistant-commissioners, at an expense of 38,000*l.* or 39,000*l.* per annum, he felt he had a right to examine into, and to question whether there was not a possibility of doing without all of them, and therefore, if that ground alone presented itself, he should vote for the motion of the hon. Member for Berkshire, and for an examination into the operation of the law. But the amendment of the noble Lord (whose absence, and its cause, he lamented) appeared to him to be of a very limited kind. He had always been disposed to suspect any amendments that came from the present Government, but this in particular showed a disposition on their part, to shrink from investigation. The right hon. the Chancellor of the Exchequer smiled, but the right hon. Gentleman had often himself shown a similar disposition. He, however, begged to ask, if the principle of this measure was as good as was contended by the other side of the House, why should they not go fully into the inquiry, as required by the original motion? The refusal to do so carried with it a suspicion that the principle of the Act was not good. But the noble Lord (Lord John Russell), in allusion to what had fallen from the hon. Member for Berkshire, stated that the Commissioners were wholly unacquainted with the facts and statements which that hon. Member had put forward. That ought not to be, for it was the duty of each Assistant-commissioner in the country to be acquainted with, and to furnish an account of, every case and every complaint that occurred in the district. The noble Lord had dwelt on the evils which in 1829, arose from the old laws relating to the poor. He did not deny that such was the case, but he contended that the evils arose, not from the old laws, but from their bad administration. The law, the 43rd of Elizabeth, was an excellent law, and it appeared with an increase of population during the last three years, 1834, 1835, and 1836, there had been a diminution in the amount of poor-rates of upwards of 2,500,000*l.* That fact told rather in favour of the old law; but his Majesty's Ministers stepped in, and with great haste, and with a sort of steam-engine, which sometimes blew up and destroyed the parties, for whose benefit and advantage it was employed, set about altering the laws, which were beginning to work well. The measure now under consideration, which the noble Lord considered as a real blessing on the country, might by and by explode, and do much mischief. If it was a real blessing, whence arose all the complaints which existed,—how were the numerous letters which had been read in the course of the debate, showing that the measure did not confer all the benefits that were boasted of, to be accounted for? Though the noble Lord had spoken of the extreme benefits which the New Poor Laws had produced during the prevailing epidemy, yet the noble Lord had admitted, that had it not been that private charity had stepped in to aid the laws, the unions would not have had a chance of success. As to the blessings of the measure, he would state a few facts which would enable the House to judge of their extent and character. He had taken the trouble to go into one county, and personally to examine into the operation of the Bill. He had found one man, whose previous character and conduct had been free from imputation, of the age of eighty-four years, at the very close of life, receiving, as a weekly allowance, from the Union, the sum of 1*s.* 6*d.*, and two loaves of bread, each weighing four ounces five penny-weights. He found another man, without a stain upon his character, seventy-eight years of age, receiving the same allowance; another seventy-seven, years of age 3*s.* per week and four loaves; another, aged seventy-seven 2*s.* per week and four loaves; each loaf being considered worth 6*d.* It was said that the operation of the Bill had materially altered the amount of the poor-rates, and that, consequently, subscriptions were were raised from the farmers and others for the assistance of the poorer classes. He objected to such a result. Though a farmer might have formerly said to the labourer, "I cannot afford to keep you in employment, paying 8*s.* or 10*s.* in the pound for poor-rates;" yet still, if the rates were now reduced to 2*s.*, the landlord could step in and say to the tenant, "You can now afford to pay me more rent for my land." How, then could the farmers assist the poor? On the whole, he objected to this principle. There was another case which he had only received that day. It was that of a person named James Cock, a cripple, forty years of age, who for himself and wife had been allowed 1*s.* per week and seven pound of bread, worth about 14*d.*; but this poor man had, without any reason assigned, been struck off. So also had a poor widow with four children, who had been allowed only 3*s.* per week and fourteen pound of bread. The last he would mention was that of a man, who was paralysed, and seventy years of age, his wife nearly the same age, and their daughter. Their allowance had been 3*s.* per week and seven pound of bread. Now these were the cases showing the amount of relief afforded—an amount which, if increased by the Board of Guardians, would be disallowed by the Commissioners. When such cases as these were allowed to exist, the strictest inquiry was necessary, not only as to the principle, but as to the working of the Poor-laws, and determined as he was to support the motion of the hon. Member for Berkshire, the House would, he hoped, consent to it, for otherwise the question would be blinked, and the poor would find that they pleaded in vain to that House, the only tribunal from which they could hope for justice.

Mr. *Alston* hoped the hon. Member for Berkshire (who was about to leave his place) would give him his attention for a few moments, while he stated to him the results which had been effected by the New Poor-law Amendment Act in the county of Hertford. Since the Act had come into operation, he had taken an active part in the proceedings under it, and whether he looked to the comfort, the contentment and the character of the poor in all relations, father, mother, and children, he was confident that the Poor-law to them had been the source of the greatest improvement that ever benefitted the lower classes of the community. The county of Hertford was one which would well show the result of the operation of the measure, for its population was amongst the most dense of the kingdom. He had endeavoured within the last few days, and since the present motion was announced, to procure every information as to the result of the formation of unions, and the operation in other respects of the entire measure; and that he might make no mistake in the figures or anything else he was about to communicate to the House, he would take leave to read some of those results. He should first begin with the union of the town of Hertford, and the total saving or decrease in the poor-rates effected there since the Act came in force. The annual average expense previous to the new Bill was 8,202*l.*, out of which there had been reduced no less a sum than 3,054*l.* 3*s.* 4¼*d.*, and he had been informed by a letter he had received from the chairman of the Board of Guardians, Sir Culling Smith, that amongst the immense and dense population of the town and neighbourhood of Hertford, which formerly nobody could approach without seeing a mass of destitute, unemployed, and unfed beings, there was now scarcely to be seen a single individual in that condition. Now, as to the Union of Hatfield; that Union, though with one exception, the smallest in the county, was distinguished for its admirable management, and the following had been furnished him by one of the Board of Guardians as the result of the operation of the new Bill. From this, it appeared, that the expense under the Poorlaw previous to the Union was 3,117*l.*; the expenses now were 1,729*l.*; showing a reduction by the operation of the Poor-law Amendment Act of 1,444*l.* per annum. The total annual decrease in the expenses for the poor for the entire county of Hertford was 31,713*l.*, being a decrease on the total rates of 37½ per cent. It was, perhaps proper to mention, that the Union of Hatfield was under the greatest possible obligation to a noble Lord resident there, whose exertions in the cause of humanity were above all praise; and he would undertake to say that a better behaved body of the poorer class could not be found anywhere. To show the improved condition of the labouring population, he need only mention one fact communicated to him by Sir Culling Smith, as having occurred in that gentleman's own parish. He had directed the surveyor to repair some parts of the roads, which was promised, but on going past some time afterwards, he found it was still unrepaired, and on applying to the surveyor to know the cause, he was informed, that it was owing to his inability to get any men to work, for even the paupers were now fully employed in agricultural labour. He could assure the House, from his knowledge of his own district, that the lands of Hertfordshire, were now in much better cultivation than they were formerly; that a much larger quantity of labourers were now employed upon it, and that all showed subjugation to the law and general content. He had been actively employed as a magistrate in the county for twenty-five or thirty years, and he begged to say, that since the new law came into operation, not a single complaint had been made by a pauper on any cause whatever. The Union of Bishop's Stortford was formed of twenty parishes, and he had received a letter from the vice-chairman of that Union, stating, that since the adoption of the new Bill, able-bodied paupers had disappeared as if by magic; that formerly they had from thirty to sixty able-bodied paupers receiving relief in each parish, but that now there were in the workhouse of the Union but seven for the whole twenty parishes, and that none were relieved out of the house. In the thickly populated parish of Bishop's Stortford, which alone averaged formerly from fifty to sixty able-bodied paupers, he was informed that the greatest number they had ever had since the new system was three. The next Union to which he begged to advert, was that of Watford, consisting of seven parishes. There the effects of the new Bill had been most beneficial and satisfactory to the people. The same was the case with respect also to the Union of Royston, where the rates were last year reduced more than one-third, and all parties were content. The work-house of that Union, which comprised a very large and populous district, now had 136 inmates, of whom sixty were orphan, bastard, and deserted children; all the others could find employment enough, and the farmers of the Union had desired him to inform the House, that considering the measure, not only as it regarded themselves as landlords, but also as it regarded the poor, who they considered had a right in the soil, they were decidedly of opinion that the Act was of the greatest possible advantage to them (the farmers), and a boon and blessing to the poor. With regard to what had been stated by the hon. and gallant Member for Lincoln, as to the amount of allowance to paupers under the new Bill, he begged to say, that it was much better than the scale of allowance adopted in his county under the old law. He observed the hon. Member for South Essex present, and hoped the hon. Member would excuse him if he referred to the state of the Union of Saffron Walden since the passing of the Poor Law Amendment Act; for though that Union was in the county of Essex, he (Mr. Alston) resided much nearer to it than did the hon. Member opposite. Saffron Walden was a large town and parish full of trade, and he had heard Lord Braybrooke say that previous to this Bill ninety or one-hundred paupers were unemployed and turned to work on the roads or taken up by farmers at a lower rate of wages, but though no railroads were now in progress, and though only the common and usual state of things existed, there was not at this time a single labourer unemployed. He would not detain the House further than to say that this Act, in the state it now was, was as beneficial a measure as ever was given to the country, and he was sure that if it had not been enacted, all parties, farmers, traders, and paupers would now be in a state of ruin. Such were his sentiments. He did not object to the motion of the hon. Member for Berkshire, but he preferred the amendment of the noble Lord, because the motion touched the principle of the Bill. He agreed to the inquiry, but with the noble Lord he objected to any attempt on the principle of the measure. Before he sat down, he thought it was due to the Commissioners to read the last paragraph of the report addressed by the union of Royston to the noble Lord at the head of the Home Department. That report stated, "That the union felt it their duty to express the high sense they entertained of the assistance which they had derived from the guidance of the Commissioner and assistant commissioner of the district, to whose judicious superintendence alone they attributed the success of their exertions." Until he had heard it hinted the other day in that House, he had heard nothing but entire approbation of the conduct of the Commissioners, and that they had given immediate attention to every communication made to them. He should vote for the amendment of the noble Lord with the fullest satisfaction.

Mr. *Robinson* was at a loss to comprehend how it was that his hon. Friend, the

Member for Cirencester, and other hon. Members, who spoke with such confidence of the benefits of the Poor-law Amendment Act, could, for one moment, contend for a limited and not a full inquiry; for every one of their arguments, and all the extraordinary effects attributed to that Bill, were but so many additional reasons why a full, fair, and impartial investigation should take place. What had the Government to fear from any inquiry, however general, if the Bill had really produced the results which had been stated? He had been one of those who had opposed the Bill, when in progress, through Committee; he did so, not from a conviction that a change was unnecessary, not that the mal-administration of the former law had arrived at such a state as to render a change imperative, not that he thought the Government who had undertaken the Herculean task were censurable, but rather deserved the thanks of the country for grappling with a question which no former Government would venture to undertake, but he objected in Committee to the restrictions imposed on granting relief. Since, however, the passing of the Bill, he had never felt it to be consistent with his duty to hold it up to disrepute. Such conduct he held to be highly inconsistent with the duty they all owed to the State and to the Legislature of which they were Members. But while he was willing to admit, because it was utterly impossible to deny it, that a large saving had taken place in the rates, and even a great improvement in the condition of the labouring population, it remained to be made out, for it was not a necessary consequence, that all these effects were fairly attributable to the operation of this Bill. Surely, no man would deny that these effects were chiefly owing to peculiarly favourable circumstances, among which were three successively abundant harvests, the cheapness of provisions unknown in this country for many years, together with an unexampled demand for labour; so that, even if the Poor-law Bill had never passed, a great portion of the good effects spoken of would have followed, from circumstances with which they had no connexion. It appeared that there was not much difference of opinion in the House on matters of fact; that they were pretty well agreed upon them; but that was a reason which would induce him to vote for the motion of the hon. Member for Berkshire, rather than for that of the noble Lord, because he considered that on this question it was very desirable, not only that there should be a total absence of everything like party feeling, which he was happy to say had been the case in a great degree, but that the inquiry should be entered upon in a manner and spirit, and with such an extensive range, that the enemies and opponents of the Bill should not have a pretext for saying it was more a delusive inquiry than one calculated to arrive fully at the truth. He held in his hand a statement that was taken before the Agricultural Committee of last year, from which it would appear how much the Poor-rates had been reduced before the passing of the New Poor-law Bill, and there were many districts in which, by an improved administration of the old system of Poor-laws, very considerable savings were effected in the rates without the aid of the new system. Mr. John Ellis stated, in answer to questions put to him with respect to the reduction of rates in the parish of Anstye, where he himself had lived, that prior to the year 1818 the Poor-rates were 1,440*l.*; in 1820, they were reduced to 1,281*l.*; in 1830, to 976*l.*; in 1834, to 641*l.*; and in 1835, to as low a sum as 516*l.* There was a reduction of nearly two-thirds in the course of ten or twelve years under the old Poor-laws, yet the noble Lord would attribute all the savings, amounting to 2,464,000*l.*, or upwards, entirely to the magical effect of the working of the new system. He could not agree in the noble Lord's statement. It was perfectly true that the rates had been reduced, but that reduction ought by no means to be solely attributed to the new Poor-law Bill. The hon. Member for Cirencester, who was entitled to great credit for the attention which he had paid to the subject, and the time he had devoted to the interests of the Union to which he belonged, had admitted that if the Poor-law Bill, as it had been enacted, were rigorously acted on it could not be beneficial. He did not mean to say, that the Bill might not produce great good, but he believed the truth concerning it would be found to lie between the extremes of the two parties who had debated its principles and operations, one of which attributed extraordinary and almost supernatural benefits to it, and the other characterised it as excessively cruel, calculated not only to do no good, but pregnant with every species of mischief. But there was ground for apprehension, that however this Bill might be calculated to effect good prospectively, it never would work well under adverse circumstances. He believed, with the hon. Member for Salford, that to attempt to carry this Bill into effect in large manufacturing districts in times of scarcity of employment, and dearness of provision, would be attended with consequences that were frightful to contemplate; but upon whom would the blame of such consequences be thrown? Upon the Government of the day, to be sure. It was a great misfortune, in his view of this question, that the noble Lord should declare that substantially there was no difference between him and the hon. Member for Berkshire, and yet that he should oppose his motion. If there really was no difference between the noble Lord's intention, as he (Mr. Robinson) had gathered from his speech, and the hon. Member for Berkshire, why not make the reference of this important question to the Committee unaccompanied by any asperity or display of feeling calculated to prejudice the inquiry? He had never joined in any clamour against the Bill; he entertained a strong feeling upon the question certainly, but he deprecated any division whatever upon it. What was the reason that the noble Lord would not agree to the motion of the hon. Member for Berkshire? He confessed that he did not think it a very satisfactory, or statesmanlike reason. It appeared that there had been imputed to the hon. Member for Berkshire, and to a newspaper with which he was supposed to be either now, or had been formerly, connected, some statements with respect to the Poor-law Bill that were calculated to produce a strong feeling of disapprobation in the minds of the noble Lord and his Colleagues; but was that a reason, because the hon. Member for Berkshire, or *The Times* newspaper, had been guilty of some indiscretions in treating of the New Poor-law question, therefore he would not agree to refer the question wholly to a Committee, while it was acknowledged in the same breath that really there was no material difference of opinion between the noble Lord and the hon. Member for Berkshire? But it seemed that the noble Lord had also another reason, founded on what was said by the hon. Member for Oldham. He must say that if the sentiments of any hon. Member could justify the course pursued by the noble Lord, they must be such as those delivered by the hon. Member for Oldham; for it was rather too much for a Gentleman who had been returned to that House, and he begged to be understood as speaking of that hon. Gentleman with the greatest possible respect, having heard much good of him, but he thought it too much for a Gentleman who had been returned as a Member of the Legislature to declare in that House that he had availed himself of opportunities to excite opposition out of doors to this measure. He did not know whether, in the absence of the noble Lord, there would be any objection to comply with the suggestion which he had ventured to throw out. He thought it quite easy for the noble Lord to meet the view of the hon. Member for Berkshire. The noble Lord had said he was willing to allow an inquiry, but he would not allow the principle of the Bill to be touched. He would remind those hon. Gentlemen who cheered that remark, that if one half of the statements which had been made that night were true, no hon. Gentleman would ever induce Parliament to repeal that Bill. But he maintained that it would be just as objectionable to appoint a Committee with the limitations implied by the noble Lord as it would be to appoint a Committee with a view to seek the repeal of the Bill. The Committee ought not to be fettered; they ought to inquire minutely into the effect of every part of the Bill. The country would be satisfied with nothing less. He was convinced, if the Committee was appointed in accordance with the noble Lord's motion, while he gave that noble Lord credit for sincerity of intention, it would not satisfy the country, but it would be the means of bringing the report of that Committee into disrepute, and to produce dissatisfaction in the country, and he would rather see no Committee appointed at all than such an one. What did they want with a Committee? Why have a Committee at all if the Poor-law Bill was working as it was said to work by some hon. Gentlemen opposite? But then the noble Lord had said he did not want a Committee, but as there was so much clamour out of doors, and the hon. Member for Berkshire had insisted on pressing his motion, he was willing to grant one, but it must be under certain restrictions. That might be denied, but according to the noble Lord's speech, he maintained that he wished to have the functions of the Committee limited barely to matters of detail and to the rules and regulations of the Commissioners; and that it would be competent for any Member of that Committee who might entertain opinions favourable to the Bill to interpose an objection on a question being put to a witness, tending to show that the operation of the Bill was not so good as had been represented. He did not find fault with his Majesty's Government for declaring their intention to adhere to the Bill, and only to admit such modifications as time and circumstances might render necessary; but at the same time he maintained that there was no reason why the House should not institute a large and full inquiry into the question. He did not believe that there was a disposition in the country to call for the repeal of this Bill. He believed there was a very strong feeling existing in the country that this Bill, if attempted to be carried into effect with rigour, would inflict such hardships on the poor in particular cases and under peculiar circumstances, that it was not desirable the Bill should be so acted upon. He did not attempt to bring any accusation against the Commissioners. He knew one of them at least, and he knew the characters of the other two; and he believed that men more fitted for the difficult task they had to perform could not have been selected. But the real question was, were the guardians in the different unions to have a discretionary power? The hon. Member for Cirencester had stated that he had taken upon himself the exercise of a discretionary power; but if that course were adopted in times of difficulty by the guardians of the different unions, it would involve all the evil consequences which were said to have arisen under the whole system. He begged most distinctly to express his disapprobation of some parts of the Bill. He protested against the compulsory confinement of persons in the workhouse in seasons of temporary difficulty, when a little assistance out of doors, united with the support they might derive from their friends and relations, might enable them to return to the means of obtaining a livelihood. He protested also against much of the discipline of the workhouse system—the separation of husband and wife under any circumstances, and of the parents from their children; the necessity of those persons attending religious worship within the walls of the workhouses, and their being restricted from attending other places of worship, were all of them matters of severe discipline which were exceedingly repugnant to his feelings. There was another part of the Bill, the bastardy clause, which excited a sense of horror and disgust in his mind; and when they talked about a repeal of the Bill with respect to other parts of it, he declared to God he should not think it of much use to go into any Committee which might not be at liberty to inquire into the operation of a provision which imposed on one party, who was guilty in common with the other, but who was the weakest and generally not the most guilty, all the burthens and evil consequences of the guilt of both. He would not join in the cry against this Bill, which had been got up out of doors: but he hoped that hon. Members on both sides of the House would find some means of coming to terms on this question, so as to preclude the necessity of a division, especially after the House had been told that there was really no difference of opinion between the noble Lord and the hon. Member for Berkshire, but that the noble Lord rested his opposition to the motion on some alleged indiscretions of either the Mover or the Seconder.

Mr. *Edward Buller* having derived considerable information respecting the operation of the Poor-law Bill from persons on whose authority he could rely, felt it his duty, considering the importance of the subject, to relate some of the facts which had come to his knowledge to the House, by way of illustrating how far the Bill had been found beneficial to the labouring classes in the places of which he should speak. The first place to which he wished to direct attention, was Stoke-upon-Trent, the population of which was 45,000, who were chiefly engaged in the earthenware manufacture. The parochial affairs had been ill-conducted for years; so bad had the state of things become, that the parochial officers continued to hold their situations after they had been guilty of peculation to a large amount. The parish was governed under Sturges Bourne's Act, and had a select vestry. All the officers, as they were under that Act, were appointed at a general meeting of the rate-payers, and could only be discharged at such meetings. But, whatever might be the conduct of an officer, he contrived, by causing a partial collection of the poor-rate and other means that were well known to parish jobbers, to secure a majority of the rate-payers in his favour, and thus he would set the vestry at defiance. The expenses of the parish amounted sometimes to 14,000*l.*, but never less than 11,000*l.*; and such was the extent to which abuses of various kinds prevailed both in the workhouse and in relation to the out-door poor, that great injury was done to the property and interests of the parish. It was at a time when the vestry, parochial officers, and rate-payers were all quarrelling among themselves that a respectable body of the inhabitants applied to the Poor-law Commissioners for the introduction of the new system; and he must say that it had been attended with most satisfactory results. From the month of September to November last year, about 1,200 persons were thrown out of employ, but the manner in which the new Bill was applied, enabled the board to supply the wants of the poor, with better effect than they ever had been supplied before. The doors of the workhouse were opened, or relief offered, to all who were not members of trades' unions. Every applicant who was able, whether husband, wife, or child, was compelled to appear before the board, before any relief was afforded them; thus all imposition was frustrated. There were 239 persons belonging to labouring families who had received relief at their own houses because they were unable to go to the board-room. There had been, he could assure the House, a great decrease in pauperism in Stoke-upon-Trent since the introduction of the New Poor-law Bill. The hon. Member for Southwark had stated, that the 2,000,000*l.* saved in the amount of the poor-rate, had been wrung from the aged and infirm, from the patriarchs of the land, who had been compelled to surrender twenty-five per cent. of their scanty allowance, or go into the workhouse. If such had been the operation of the Poor-law Amendment Act, there was no epithet in the vocabulary of vituperation which he would not willingly join that hon. Member in fastening on the measure. But that was far indeed from being the fact. Was the hon. Member so utterly unacquainted with all the circumstances of the case—had he so passed his whole life, in some peaceful valley and sweet Arcadian shades as absolutely to know nothing of the jobbing of parish-officers, and that by the distribution of relief they had contrived, in many instances under the old system, to realise property to a very considerable amount? It was because the Commissioners had put an end to jobbing of that sort—because they had introduced many great reforms, that so much opposition had been raised against them. But there was another source from which great savings had resulted. Before the Bill came into operation, the major part of the able-bodied labourers in the eastern counties were paupers on the parish. In the twelve unions of East Kent they amounted to 3,000, and were now reduced to five. In the county of Sussex there were many able-bodied labourers receiving parochial relief, and the number of them was already reduced to 124. Besides, was it not clear as noonday that what was saved in rates must be spent in wages? in the one case they were applied to support idleness, in the other to maintain industry, and thereby give increased value to property, increased demand for labour, increased employment, increased wages, and augmented comforts to the poor. The report of the Commissioners, in fact, put an end to the whole question. It was impossible the Commissioners and the Boards of Guardians throughout England could have combined together to publish a collection of falsehoods so gross and palpable, and yet so immediately to be detected, as their report must be, if the Poor-law Amendment Act had not already proved itself to be most advantageous to the country, not more in producing an immense saving of parochial rates, than in raising the character, improving the condition, and increasing the comforts of the labouring population. No one but the beer-shop-keeper had any reason to complain of the operation of the Bill. Its tendency was to draw the labourer from the haunts of vice, and, elevating his character, to restore him to the endearments and comforts of home. Having supported the Bill in its principle through all its stages, he should not shrink from whatever responsibility or unpopularity might now attach to it. He regarded it as one of the most valuable Acts which a liberal Government had ever introduced, and a reformed Parliament carried, in spite of all the clamour of a daily press—in spite of the power of journalism, which had been so industriously brought to bear against it.

Major *Beauclerk* was unwilling to trespass on the attention of the House, but he could not reconcile it with his public duty to omit the present opportunity of urging his Majesty's Government, with those who had preceded him, to enter upon this inquiry fully and fairly, and go into the whole bearings and operation of the Poor-law Amendment Act. He did not maintain that the old law was good in practice; it was quite the reverse, it was abominable, and Government deserved well of the country for having devised and introduced any practicable amendment. But whilst he was ready to adopt this Bill as far as related to its provisions for the prevention of idleness and profligacy, there were undoubtedly other parts of it harrowing to the feelings of humanity, and tending essentially to defeat the safe and efficacious working of the whole system. The principle of the old law was, that assistance should be given to the destitute—to those who were unable to work, or, being able to work, could not procure employment; poverty being regarded, not as a crime or a disgrace, but as a misfortune. He voted for the Committee on this principle, that he wished to see this Bill so amended as to allow assistance to be given where assistance was deserved or was absolutely necessary. He would vest that discretion in the Board of Guardians which they ought to have for discriminating characters, to give to the honest and industrious, but not to the idle and profligate. He was aware that many who called themselves political economists might differ from him, and maintain that the workhouse system promised to work out some great beneficial change in the character and condition of the labouring poor, which he should be most glad to see. But while human nature was human nature, poverty and improvidence would, he feared, still be found to prevail; and although they should punish idleness and profligacy, they never would be able to pass a law which would prevent young men from contracting improvident marriages, or preclude the possibility of a temporary suspension of employment, so that poverty and misery should not require assistance. He did not mean to go into individual cases but there was one remarkable circumstance which struck him so forcibly that he could not omit noticing it, and which should lead them to look narrowly to what the Commissioners said, as proceeding in some degree from an interested party. The Commissioners "augured well of the success of the Leicester union from the temper which persons of all parties had shown towards the measure." "The guardians have met and proceeded cheerfully to the dispatch of business, feeling themselves not compelled to be the unwilling instruments of establishing a system of which they disapprove," &c. And yet what was the fact? Only three days ago he himself had presented a petition signed by 8,500 individuals connected with that borough, the majority of the guardians themselves expressing their abhorrence of some portions of the Bill, and their determination not to carry them into effect; while the hon Member for the borough also presented a petition from 3,400 persons on the other side of politics to the same effect. He did not wish to make any attack on the Commissioners, but he could not help expressing his belief that they would never be able beneficially to carry out the principle of the Bill if relief were restricted to the workhouse system, and nothing but the workhouse. The hon. Member for Berkshire could have no motive in reference to this subject but to secure a full and fair investigation into all the bearings of the question. It was therefore his duty to stand by that hon. Member; party feeling had nothing whatever to do with the matter; Whig, Tory, and Radical should have one unanimous feeling, to do all they could to advance the comfort, happiness, and prosperity of their fellow-countrymen.

Sir *Stratford Canning* did not intend to enter at all into the details of this question. He was not in Parliament at the time it was carried through the House; but, although he could not appeal to his own experience, he was unwilling to believe that what had been stated by the hon. Member for Southwark could rest upon any solid foundation. Although it had been said that the poor had no friends, and, in one sense, no representatives in that House, he maintained that their interests were always advocated and most feelingly responded to. This was not the time for discussing the merits of the Poor-law Amendment

Act, although on the one side, looking to the information which had reached them, there were strong reasons to believe that a great deal of good had resulted during the experiment which had hitherto been made of its operation, while on the other, with regard to the fears and anxieties which were entertained, although the poor-rates had been essentially diminished, much pressure had been occasioned on the poor. When they recollected the circumstances under which the Bill was carried, two results might naturally be expected to follow. It was hoped there would be a great reduction of the poor-rates, accompanied with important advantages to the poor, elevating their character and improving their condition; but, at the same time, there was no denying that very extensive and extraordinary powers were assigned to the Commissioners under whose direction the Act was to be carried into effect; and the transition from the old law into the new was likely to be attended with a considerable degree of pressure on those who were to come within its operation. But the question in its present shape did not seem to involve the merits of the Poor-law Amendment Act, all parties agreeing that inquiry should take place before a Committee. Looking at the wording of the respective propositions, indeed, he saw sufficient to indicate an essential difference between them; and that was to a considerable degree enhanced by the hon. seconder of the motion informing the House that he contemplated the repeal of the measure altogether. His wish was, that the principle of the Poor-law Amendment Act should not be prematurely thrown into doubt, and the public mind unsettled on the subject; at the same time he wished that a fair and impartial inquiry into its operation as administered under the Commissioners, and to the fullest possible extent, should be immediately set on foot. If he were assured by Government that such, too, was their object—that the inquiry should be extensive, that it should extend, for instance, to the question of medical treatment, the extent of unions throughout the country, the bastardy clauses, every thing connected with the regulations the Commissioners had, in their discretion, promulgated as the principles on which the Act was to be carried into operation, he for one should be satisfied for the present. Should the result of the inquiry be to confirm the suspicions entertained against the Bill, it would then be time enough for those who viewed the subject in the same light as himself to stand forward and use their efforts to procure its amendment. But considering the great magnitude of the evil to be corrected, considering the extreme difficulty of the case, and the short period, comparatively for the importance of the object, the Act had been allowed to be in operation it was most desirable that the public mind should not be unsettled, and therefore, as affording free scope for examining into all its merits, he should support the amendment of the noble Lord.

Sir *S. Whalley* contended that the Poor-law Amendment Act had effected great improvements in the administration of the law, and tended greatly to improve the moral condition of the poor. At the same time he wished that inquiry should take place, in order to ascertain whether the principles of the Bill might not be somewhat modified in their operation.

Sir *R. Peel* thought the question really at issue lay within the narrowest limits; and he could state what his opinions were in five minutes much more satisfactorily to himself than if he spent two hours speaking on the subject. He considered the whole question to turn on this—what will be the impression of the public mind from the course they were about to adopt? The terms of one motion might differ very little from those of the other, the inquiry they might institute might differ very little from another inquiry, but the real question at issue was—what construction the public, those who had to administer the law, those to whom the law was to be administered—what construction they would put on the vote the House was about to come to and on the intentions that vote would manifest? If they intended to repeal the Poor-law Amendment Bill, if they intended to prejudice the operation of that measure, their course was perfectly clear; if, on the other hand, they intended to maintain it, to see that a great experiment had a fair trial, and give the moral aid of their support to those who had to administer very unpopular functions, then he said they ought to be exceedingly cautious that they did not create in the public mind perhaps an erroneous impression, that they had doubts on the subject, and wished to shrink from the application of the measure on the most plausible grounds imaginable. He apprehended the great object of the change made in the Poor-law was not to save expense to the rate-payers. He attached very little importance to the results as derived from that measure affecting merely the question of the diminution of a pecuniary charge. It was stated, that 2,000,000*l.* or 3,000,000*l.* had been saved by the Bill; he did not undervalue the amount of the saving, particularly in this respect, that they could make no reduction in unwise expenditure without improving the condition of the lower classes. In that respect he attached much importance to the saving which had been effected; but the principle advantage to be derived from the measure was to elevate the moral condition of the poor, promoting their independance and raising them in the social scale—holding out to them the hope that when industry was combined with good moral character there was a certainty of providing for their own subsistence and that of their families. Having given to this measure, when first introduced, his cordial support, he must say he had yet heard no facts which could induce him to regret the course he had then taken, or incline him to prejudice the operation of the Bill. He did not believe it was possible to make a great change in the old administration of the Poor-law, and contend with a system of abuse so rooted and so extensive, without provoking great opposition. There was a great deal of interested opposition to contend with—there was also a great deal of opposition springing from the most honourable and laudable feelings of real commiseration for the poor—a commiseration directing itself rather to individual and personal suffering than taking a comprehensive view of the condition of the poor, and laying a foundation in hope of permanently bettering their condition. But, far from saying one word reflecting on those who looked merely at individual suffering, and most anxious to apply an immediate and practical remedy, still knowing that there was great opposition to contend with, and fearing, if those parties intrusted with the application of this law had reason to believe that the support of one branch of the Legislature was taken away from them, whatever difficulties now existed in the way of the operation of the system would be aggravated to a tenfold degree, if the slightest suspicion were excited that they were themselves doubtful of the efficacy of the principle, and meditating its infraction, it was most desirable to avoid any step which might appear to throw doubt on the permanency of the law. He believed that, in the application of this system it had been almost impossible to avoid many cases of individual hardship, and being desirous of ascertaining those cases and providing without delay a remedy for them, but being perfectly determined to adhere to and support the principle of the Bill, while he ascertained how he might best mitigate the severity of its operation he would vote against the original motion. He gave the highest credit to his hon. Friend, the Member for Berkshire, who introduced the subject, from a sincere desire to benefit the condition of those who were entitled to the sympathy and most indulgent consideration of that House, yet differing entirely from him as to the impression which would be made on the public mind, he felt bound to say, as some unpopularity might attach to the avowal of a frank opinion—and being quite unconverted from his original opinion in favour of the principle of the measure, he was most anxious that it should have a fair trial. He believed, that its ultimate result would be to rescue the country from an evil which was progressive, and which, if not impeded in its progress, was fraught with most awful consequences not only to property, but to the independence and moral condition of the poor. He should not hesitate to give his vote in favour of the amendment of the noble Lord, which appeared best calculated to maintain the principle of the Bill, and yet at the same time, by admitting extensive inquiry, would enable them to devise the most practicable remedies for mitigating its pressure.

Mr. *Roebuck* wished to avail himself of the present opportunity of expressing an opinion on this question, because he believed that the interests of the labouring classes were deeply involved in it; and the expression of an opinion of his on the subject might have some weight with those classes, as regarded whom he was willing to take his full share of any odium that might fall on him for advocating the Bill. He was one of the early supporters of the measure; and he begged to assure the hon. Member for Southwark that he voted for it with a perfect knowledge of what he was doing. He adhered to the principle then laid down; and had heard no argument or evidence adduced in this House or elsewhere, which was calculated to make him now shrink from the principle which he recognised and openly avowed at the time when the Bill was originally introduced. Many hon. Gentlemen who professed a great regard for the labouring classes had impugned this Bill as a cruel and inhuman Bill. He should give it his support—not because it had diminished the parochial expenditure—but for reasons which he considered of much greater importance. There were two classes of persons who were included under the name of the labouring classes; these were the industrious poor, and the poor who were not industrious. Now he believed that the interests of the industrious poor were deeply involved in this Bill, and it was as a friend of the industrious poor that he would vote for the maintenance of the principle of the Bill. He made these remarks in consequence of the extraordinary language of his hon. Friend, the Member for Southwark. He had been addressed personally and called on to explain how he could consistently support the principle of self-government and at the same time the principle of centralization to be found in the measure under discussion. He would reply, that nothing was easier. He divided the Bill into two parts—first, there were the regulations which it provided, and next, there was the machinery by which they were to be carried into effect. He was prepared to support the principle on which the regulations were founded. There were two difficulties before them. There was the formidable one of any man being allowed to suffer from want; and there was the great difficulty of making such a provision against want as would not have the effect of destroying the industry of the population. He wished to relieve want, and in doing so, to avoid generating idle habits. He thought they ought to give relief to all who really wanted it, but not in such a way as to induce them to neglect the means of providing by honest industry against a state of destitution. With this view he would draw a distinction between the classes receiving relief. There were the old and impotent poor, and the industrious and able-bodied poor. Now, he had no personal knowledge of the fact, but he had received some account from his constituents, of whom he had made inquiries on the subject, in which he found a contradiction of the assertions made this night, and on the former night of the debate, for his constituents told him, that in their neighbourhood, a large body of the old and impotent poor were maintained out of the house. He believed that to be the principle of the Bill. An hon. Gentleman shook his head, but he asserted it to be the principle of the Bill. And the magistrates who formerly had the power, and who called on the House now to give it to them, they might compel the giving of relief to the old and impotent poor out of the workhouse. He hoped that the poor never would be taken into the workhouse indiscriminately; but he conceived it to be quite necessary that the able-bodied poor should receive their relief in the workhouse. He made this assertion, willing to incur any odium that the expression of such an opinion was calculated to bring upon him. He had now a few words to say with respect to the machinery of the Bill. Some of the hon. Gentlemen who had spoken on this subject would make them believe that the question of relief was one which solely interested those persons in the parish who gave relief to the poor belonging to that parish. He, for one, would resist this view. He would say that the poor belonged to the nation. The provision for them was a national concern, and it ought not to be left to any locality to say whether they would relieve the poor or not. It was a principle of the State that none should die of want, and he would not yield that to any locality whatever. He therefore thought the Legislature had done wisely in creating a set of Commissioners, who would exercise the necessary control to enforce certain fixed principles, while they left to the locality to decide with respect to the particular persons who should receive relief. Certain rules were laid down by the Commissioners, and persons were appointed local guardians, whose duty it was to act in conformity with those rules in their particular district. Thus they combined self-government with the principle of centralisation. They gave to the central body what belonged to the whole state, and they referred to the locality that which was of a peculiarly local character. In conclusion, the hon. and learned Gentleman said, he would oppose the amendment moved by the hon. Member for Berkshire, and seconded by the hon. Member for Oldham, believing that the present measure had greatly improved the habits of the labouring poor, by creating in them an honest pride, which would not allow them to receive undue assistance from any man, not even from the State. He had formerly expressed it as his opinion that such would be the effect of the Bill, and that opinion he would unflinchingly maintain.

Sir *James Graham*, having taken an anxious part in the original discussions on this measure, were it ten times more unpopular than he believed it to be, should be ashamed of himself, if, on the present occasion, he shrunk from taking his full share of any odium that might attach to its supporters. He had stated his opinion as to the general policy and the particular enactments of the Bill, and the result of his experience was, that he not only approved of the general policy, but he considered the particular enactments indispensable. He did not think this a fit opportunity for discussing the policy of the Bill. The question before the House lay in the narrowest compass, and he was ready to adopt the opinions of his right hon. Friend (Sir Robert Peel), who observed, that there were only two questions before the House: one was, should there be an inquiry? and the other was, what should the nature of that inquiry be? As to the first question, whether there should be an inquiry, there was hardly a difference of opinion throughout the House. He would say that, in the abstract, the terms of the reference should be as wide as possible, saving the principle; but if they carried the motion of the hon. Member for Berkshire, seconded by the hon. Member for Oldham, a moral feeling would get abroad which would render it impossible to continue to work the measure as heretofore. The inquiry as proposed by the noble Lord, the Secretary for the Home Department, appeared to him to be perfectly satisfactory. An idea prevailed in the county he represented, that no good would result from an extension of the measure to his district. He differed from his constituents in that respect, and he was convinced that by an inquiry into the subject—but it must be a full inquiry—he was convinced, he said, that if they went into an investigation of the peculiar circumstances of his county, his constituents would be satisfied that the measure would be found most salutary there, as well as in other places. Looking, however, to the terms of the reference, he should be of opinion that, if they abided by them strictly, the peculiar circumstances of his district would scarcely come within the limits of the inquiry; but if the right hon. Gentleman, the Chancellor of the Exchequer, could assure him, in the absence of the noble Lord, that it was the noble Lord's intention the inquiry should be full and complete, that it should include such matter as he had adverted to, stopping short only of the principle of the Bill, he should give his most cordial, instead of his reluctant support to the amendment of the noble Lord.

The *Chancellor of the Exchequer* should not have occupied the attention of the House but for the question which had been put to him by the right hon. Baronet, and on the answer he should give he thought the votes of many hon. Gentlemen would depend. He would further say, that if his reply should induce hon. Gentlemen to feel, that consistently with their principles, they would support the measure, if he should be able to satisfy the Mover himself of the original motion that he could consistently consent to withdraw his motion, hon. Gentlemen would see that he should obtain an object of considerable importance, by the disposal of this question by an unanimous, rather than by a qualified, expression of opinion. He should be ready on the part of his noble Friend, feeling the immense importance of an unanimous opinion, to adopt the suggestions thrown out, if he did not feel that, for the purpose of purchasing that unanimity, he was endangering the principle itself, if not within the House, most assuredly outside its walls. If the House were to show itself ready to inquire not only into the details but into the principle, it would be thought out of the House that there existed a disposition to retract as regarded the principle, that they doubted the policy of it, and that they were going into an inquiry which, more or less, would have a tendency to the retracing of their steps, and the adoption of the old system. He considered that danger to be much lessenedby the course which they proposed to take. His noble Friend, when he originally introduced the measure, took his stand with perfect reliance on its justice, its policy, and expediency. He was supported then, as he had been on the present occasion, by the hon. Member for Middlesex, by the right hon. Baronet the Member for Tamworth, and by the right hon. Baronet who sat below him, as well as by the hon. and learned Member for Bath, Gentlemen whom he named because they all represented various classes, and the

House obtained from one and all of them an admission that they were friendly to the principle of the Bill, and were determined to maintain it. He believed that the point which remained for consideration was, whether they were disposed to go into a full, and fair, and just inquiry into the operation of the Bill. With regard to this part of the subject he begged to say it was not the intention of his noble Friend, in moving the amendment, to exclude from the inquiry any one question that was not directly opposed to the principle of the Bill. He would try the case by the question put by the right hon. Baronet (Sir J. Graham). He said it was a question whether this Bill ought to be applied to the northern parts of England, and he wished to know whether that was a matter which might be considered and discussed in this Committee. His reply was, that that was really within the fair scope and object of the Committee of his noble Friend, and so far from seeking to exclude such an inquiry, he believed that the result would be as favourable as the result of the whole inquiry would be favourable to the principle of the Bill; and that instead of shaking the confidence of the people in the administration of the poor-laws, it would increase their confidence and confirm the measure in their good opinion. It was stated on Friday night by the hon. and learned Member for Southwark that he had presented a petition, not important perhaps, on account of its numerical strength, but entitled to great weight, inasmuch as it was signed by Gentlemen of great influence, the guardians of the poor in the large parish of St. George, Southwark. The hon. Member said, that these guardians, comprising eighteen persons, at the head of their district, had remonstrated against the introduction of the Act into their parish, and objected to being compelled to administer its provisions, and their petition was presented by the hon. Gentleman as against the Poor-law Amendment Act. Now, how stood the fact? It was true that there was a Board of Guardians in that parish. But the petition was agreed to at a meeting of which no notice with reference to the petition had been given: it was agreed to at eleven o'clock at night; and so far from the meeting having consisted of the eighteen Members of the Board of Guardians, there were only seven of the eighteen members present, and only five of those seven voted in favour of the petition. Yet that petition, signed by five persons out of the eighteen, and agreed to at eleven o'clock at night, was presented to this House by the hon. Member for Southwark as the petition of eighteen guardians of the poor; and on such grounds as those were the people of England to be called on to oppose the Act? He should not go further in the question, nor would he presume to urge the hon. Gentleman who made the motion to withdraw it; but he thought it would be much better, both with reference to the inquiry itself and to the public interest, that the amendment should be carried unanimously by the House of Commons, than that there should appear any difference of opinion as to the principle.

Mr. *Robert Palmer* had come down to the House that evening fully prepared to support the motion of his hon. Friend and Colleague, and though before a Committee of free inquiry some of the statements might be found exaggerated, he felt sure that by nothing but a full and fair inquiry would the country be satisfied. He had certainly thought the terms of the noble Lord's amendment were not sufficient to warrant the expectation that it would be sufficiently so, but after the right hon. Gentleman the Chancellor of the Exchequer had in such strong terms stated the views of Government as to what extent that amendment would allow of, it appeared to him to go as far as possible, and as was consistent with maintaining the leading principles of the measure. His hon. Friend, the Member for Berkshire, had done himself great credit in bringing the subject under the consideration of the House, and he thought he might congratulate him on the turn the debate had taken, and the explicit declaration of the Chancellor, from which he would perceive that he had forced Government into the concession he sought. He hoped, that under all the circumstances of the case, he would desist from pressing his motion, and would adopt the advice of the right hon. Members for Tamworth and Cockermouth, more particularly as he would have the opportunity of bringing the points he had advanced under the consideration of the Committee.

Mr. *George F. Young* had joined with the hon. Member for Berkshire in giving his conscientious and continued opposition to the new Poor-law Act when it was before the House, and he would now support the hon. Gentleman's motion for inquiry into its operation. He had ever considered that that Act violated the inalienable right of every Englishman—namely, the right to receive support from the soil on which he lived. He regarded it as a measure repugnant to every law and feeling of human nature. He denied that by granting the fullest inquiry, they would do any thing contrary to or in violation of the principle of the Bill. The noble Lord proposed that the inquiry should only extend into the operation of the rules and regulations of the Commissioners, and not to the extent called for by the hon. Member for Berkshire, and which the voice of the country demanded. He did not rely upon the mere figure statement made by the noble Lord, that the poor-rates had been reduced from 6,000,000*l.* to 4,300,000*l.*; all such statements he looked upon with suspicion, for nothing was easier than to make out a case by such means. If they looked to the returns for three years before the Bill passed, they would find that there had been a progressive diminution of the outlay. He thought that it was unfair to impute the reduction merely to the operation of the law, which resulted from the sympathetic operation of various other causes.

Mr. *Wakley* hoped that the House would permit him to urge the importance of making one part of the subject with respect to which he had given notice, an important part of the inquiry, namely, the medical branch of the subject. If an inquiry took place it was a matter of importance that it should be a free and full inquiry, and pursued without any feelings of excitement. He hoped that the hon. Member for Berkshire would withdraw his motion, as he thought that it was of great importance that the House should be unanimous. The hon. Gentleman had been requested by many hon. Members who were favourable to the Bill to withdraw his motion, and now he (Mr. Wakley), who was as hostile to the Bill as the hon. Member himself, requested him to do so. If the inquiry as proposed by the noble Lord should prove that the working of the Bill was bad, he trusted that the hon. Member would at once move for the repeal of it. In conclusion he trusted that hon. Gentlemen would go into the inquiry with unprejudiced minds, and that the only object that they would have in view would be to elicit the truth.

Mr. *Hardy* assured the House he would not detain it two minutes, but having previously to the present discussion put a question to the noble Lord opposite, he was anxious to put the same question again to the right hon. Gentleman, the Chancellor of the Exchequer, and his vote on the question before the House, would depend on the answer he might receive. The noble Lord proposed that an inquiry should be entered into with respect to the regulations promulgated by the Poor-law Commissioners; but something more than that was, he thought, necessary, and something more seemed also to have been indicated by the right hon. Gentleman himself. [Cries of "*Divide.*"] He was determined to be heard if he should remain there till morning.—["*Oh! Oh!*"]

The *Speaker* begged hon. Members to preserve order, and allow the hon. Member to be heard.

Mr. *Hardy:* The noble Lord opposite made no allusion in the course of his speech to the operation of the bastardy clauses; and as no instructions had been issued with regard to them by the Commissioners, he was afraid that the noble Lord's proposition would exclude the operation of those clauses from the consideration of the Committee. He therefore wished to know whether the right hon. Gentleman, the Chancellor of the Exchequer, proposed to allow an inquiry to be gone into with regard to the manner in which those clauses had operated? If such was the intention of the right hon. Gentleman, he would vote in favour of the amendment proposed by the Government; but if it was meant to prevent any consideration of the operation of those clauses, he should feel bound to vote for the original motion.

The *Chancellor of the Exchequer* trusted the House would allow him to answer the question put by the hon. Gentleman. He had no hesitation in saying that he should consider the inquiry about to be instituted incomplete if the operation of the bastardy clauses were excluded from it. He begged to add, that he anticipated in that branch of the inquiry the same result as in every branch.

Captain *Boldero* as he lived near the residence of his hon. Friend (Mr. Walter) in Berkshire, was enabled to state (and he felt the more bound to do so after the taunts which had been thrown out about the non-attendance of that hon. Gentleman at the Union of Hurst) that his hon. Friend was a true friend to the poor, and it would be well for them if they had a hundred such friends in existence. No pauper—no person in distress, ever went to the door of his hon. Friend and came away without relief. He was sure that his hon. Friend had brought forward the question solely with the view of ameliorating the condition of the poor: and if the motion went to a division, he should feel it both a duty and a pleasure to vote with the hon. Member for Berkshire. He wished to mention one fact relating to the operation of the Poor-law Act. [*Confusion.*] He would be heard if he remained there till two o'clock in the morning. [*Increased confusion.*] He was acquainted with a parish in Wilts in which a large benefit society was established. One of the members of that society was seized by a disease which had been so very fashionable. [*Laughter, "Name! Name."*] Hon. Gentlemen might laugh, but the present question was one which interested the whole kingdom. He asked the hon. Gentlemen who interrupted him whether they desired to put down argument by clamour? The sick member of the benefit society to which he had alluded applied to the parish for relief, but he was told that no relief would be afforded him in consequence of his belonging to a benefit society. What was the result of the treatment? The benefit society was destroyed. Some hon. Gentlemen had raised a cry of "Name." Did they wish him to name the town where this sick person was refused relief? [*"No, No." "Name the disease."*] A general meeting of the society was called, and the members resolved that their funds should not be appropriated to the diminution of the poor-rates, and be placed under the control of the guardians of the poor. The consequence was, that the whole society was dissolved, and the funds, amounting to between 800*l.* and 900*l.*, were divided among the members, according to the term of their subscriptions. Some of the members received as much as 16*l.* Now he would ask the House, whether, if the benefit societies existing throughout the country should be dissolved, a great injury would not be done to the active, industrious, and prudent class of society? He trusted that this subject would be brought under the consideration of the Committee. He considered that these benefit societies ought to be protected, and not discouraged. There was another point connected with the Poor-law Act, which he trusted would be brought under the consideration of the Committee; and that was the interdicting the poor incarcerated in workhouses from attending their accustomed places of worship.

Mr. *Walter* said, that it appeared to him that the House had reason to complain that his Majesty's Ministers had not sooner intimated their intention of giving up the points in difference between himself and the noble Lord. If the noble Lord on a former night, or if the right hon. the Chancellor of the Exchequer on the present occasion, had given him an earlier intimation that they were ready to waive the points on which they had formerly insisted, but which they had now explicitly abandoned, they would have saved the House the trouble of much of the recent discussion. He had only a word to say on two or three matters which had arisen in the course of the debate, before he consented to the general wish of the House by withdrawing his motion. The noble Secretary for the Home Department, in the speech which he delivered on a former evening, had complained that he had not given to the Poor-law Commissioners any information respecting the allegations which he intended to prefer against them; but the noble Secretary had misstated his reasons for withholding from them that information. He had told the Commissioners that his business was with that House, and not with them, and that they might disfigure the facts which he communicated to them, as he knew them to have disfigured facts communicated to them from other quarters. But even if he had been willing to give them the information they required, it was not in his power to have given it, inasmuch as he was not himself in possession of all his facts until the morning of the very day on which he made his motion. The noble Lord had also twitted him with his non-attendance at the Board of Guardians for the Wokingham Union. He would tell the House that he was not aware till the noble Lord had informed him of the circumstance that he had attended so often as ten times the meetings of that board. He wished hon. Gentlemen to recollect that from the end of the month of January to the commencement of the month of September last year he had been engaged, like themselves, in the performance of his parliamentary duties; and for two months afterwards he was engaged in visiting his constituents. There were only two occasions on which he recollected having attended the meetings of that Board. On one of those occasions he had entreated the Board of Guardians not to erect the large workhouse for the union near the roadside, in the vicinity of the town of Wokingham. He had been successful in the application which he had made to them, and he believed that they were now very glad that they had taken his advice. On the other occasion he had urged his objections to that part of the regulations which went to separate husband and wife, parent and child. In that opposition he had been unsuccessful. He also discovered very soon, that the Board of Guardians could not act independently. The Board of Guardians determined to give the two medical officers of the union—there ought, from the size of the union, to be three or four—100*l.* a-year each, and half-a-guinea on every midwifery case. The Central Board intervened and recommended that the medical officers should have no more than 80*l.* a-year in future, and no more than 7*s.* 6*d.* in midwifery cases. It was extraordinarily discouraging to have to attend a board whose resolutions were liable to be superseded by a set of outlandish Commissioners. The noble Lord had informed the House that the Wokingham Board of Guardians had expressed a favourable opinion of the operation of the Poor-law Amendment Act. He admitted the eulogium; but, with the usual fairness which characterised these proceedings, he had omitted certain points in it, which he would now give. The Board of Guardians observed that "in their opinion the Guardians might safely be invested with somewhat of a more discretionary power in certain instances than they now possessed, particularly as respected the dietary for the aged and infirm in the workhouse." The Board were also "strongly of opinion that some discretion might be given them in extreme cases to relax the rule which forbids relief to all able-bodied paupers, except in the workhouse." They also directed their clerk to "write to the Poor-law Commissioners to crave from them that the Guardians might be permitted to raise the allowance to their aged and infirm poor up to the level of another union, which gave twenty-four ounces of bread per week more than themselves;" and this very Board, so vaunted of by the noble Lord, as approving of the operation of his Poor-law, were anxious to be informed (these were their words not a fortnight ago) "upon what principle it was that the aged and infirm paupers in the Wokingham union workhouse were to be deprived of those proper and essential necessaries allowed by the Commissioners to the poor of the Bradfield Union, and to express their hope and earnest wish that the Poor-law Commissioners would, upon reflection, and upon the broad basis of equal justice, remedy the apparent hardship." He was happy to inform the House that he had reason to believe that the announcement of this discussion had had the effect of producing for the aged and infirm paupers that additional allowance. As he intimated at the commencement of his observations, he did not intend to press his motion to a division. He hoped, however, that the House would watch with jealousy the names of the committee, and that it would not give to them its unreserved confidence.

The *Chancellor of the Exchequer* observed, that as the hon. Member seemed to fancy that the time of the House would have been saved had the same intimation been made to the House by Ministers on Friday night as had been made to them just now, he must only recall to the minds of hon. Members the fact that his noble Friend had on Friday evening made the very same declaration which he had himself made that evening.

Motion withdrawn, amendment carried, and committee appointed.

STAMP DUTIES ON FREEDOM CERTIFICATES.] Mr. *William Williams* moved for leave to bring in a Bill to repeal the stamp duty on admission to the freedom of cities and boroughs in England and Wales. He considered it a very great hardship that individuals should be called on, either to advance a sum which, at the period of their existence, when they would in nearly all cases apply for their freedom, must be considered a great sacrifice, or to forego that privilege which the policy of the country had deemed it expedient to confer on them. He approved most highly of that scheme of polity which held out privileges, no matter whether municipal or electoral, or both, to the apprentice who, by honest and industrious servitude for the space of seven years had proved himself a valuable member of society. He also did not think that any objections on the score of financial loss ought to be started against the Bill which he wished to introduce. The loss, if any, ought to be disregarded, and could easily be repaired.

The *Chancellor of the Exchequer* did not object to this motion on financial grounds, although he might be of opinion that a tax of 1*l*., and the only tax, let it be observed, was not any thing so very serious. The sum of 1*l*. was paid for registering the freeman, and, considering the equivalent returned, he could not very well understand where the grievance lay. But though he did not object on financial, he certainly did on Parliamentary grounds, for it would extend the suffrage among freemen; and the records of Parliament had shown, that freemen were not remarkable for purity, or deserving of exemption of any kind. On this ground he was reluctant to grant that concession, or rather boon, to freemen, which the hon. Member for Coventry asked for; but he would, according to the sense of the House, as the hour was late, either oppose it directly now, or at a future stage.

Mr. *Rigby Wason* rose to give his cordial support to the measure, and would state one fact, which in his judgment ought to convince the House that the measure proposed was necessary. This fact occurred in the borough which he had the honour to represent. There were from forty to fifty persons capable of becoming freemen, but without the means of paying the tax of 1*l*.; now, a candidate paid the necessary sum for each of these, they voted for him that time out of gratitude, and they would vote for him every other time, because they felt bound in honour to do so.

Mr. *Forbes* would support the measure, because he thought that anything by which any class of voters could be protected from corruption, ought to be adopted. He disliked a system which he saw prevailing, of hon. Gentlemen who could not take away the right of electors trying to take away their characters; and he thought the House had done itself honour by resisting the attempt lately made to wrest from the electors of Stafford their franchise. The remarks of the hon. Member for Ipswich were most uncalled for; Members of Parliament should not permit to themselves the use of such language, nor make accusations against the portion of their constituents hostile to them, simply because the individuals composing that portion were not present.

Mr. *Phillip Howard* was very sorry that this measure did not meet with the approval of his Majesty's Government. The principle of rendering electors as independent as possible was a good one; and he thought that a seven years' apprenticeship was a sufficient guarantee for the judgment and propriety of those in whose favour that principle was, on the present occasion, sought to be enforced. He should be very sorry, if an indisposition was manifested by that House to assist the freemen, whom he considered the last remaining link between the poor man and the representatives of property merely. The gratitude consequent on the payment of the stamp by a candidate put the freemen in an unpleasant condition, and on an unfair footing with the other electors. The loss to the Exchequer would be very paltry, and would not, he trusted, stand in the way of what was expedient.

Mr. *H. Hinde* remarked, that there was a great difference between demanding the payment of 1*l*. from a freeman, and looking strictly into the performance of the conditions on which the Reform Bill conferred the franchise on 10*l*. householders. The one taxed a well and hard-earned privilege; the other insisted merely that just debts should be paid before the privilege should be exercised.

Colonel *Sibthorp* really thought that the hon. Member's motion might be aptly designated two words for himself and one for the freemen. Why should they not all exercise their liberality? He had no objection that other hon. Members should do so, and he hoped he might be allowed to do the same. There was a very great difference between bribery and niggardliness.

Mr. *Aglionby* would, at the pleasure of the House either oppose the present motion, or oppose the Bill when brought in at the most convenient of its stages. The title of the Bill was an incorrect one; it ought to have been entitled an Act to relieve candidates from expending large sums of money in the corruption of freemen. It would extend the franchise, but not in the right way; and if the franchise were to be extended, let the proposition be brought forward plainly and frankly. If the stamp duty were reduced, that would be nothing but lowering the price of votes; if, on the other hand, they abolished it, they conferred a boon on the very men whom they declared to be most corrupt.

Colonel *Thompson* would in a few words lay the case before the House. Suppose he were again to stand for the borough which he now represented, and some twenty or thirty candidates for freedom said to him, "if you pay the stamp duty for us, we will vote for you; if you don't, Mr. A. the opposing candidate, will, and then we shall vote for him." Why, he should think that corruption; and therefore he should support the motion which prevented that corruption.

Mr. *Williams*, in reply, explained, that had the labours of the Committee by the recommendation of which he brought in this Bill been terminated sufficiently early to admit of his having mentioned the matter when the right hon. Gentleman (the Chancellor of the Exchequer) brought forward his measure last year for the consolidation of the stamp duties, he would have done so.

Leave given. Bill brought in and read a first time.

HOUSE OF LORDS,

Tuesday, February 28, 1837.

Minutes.] Bills. Read a second time:—Charity Commissioners.

Petitions presented. By Lord Lyndhurst, from Poole, against all attempt to interfere with the Rights, Independences, and Privileges of the House, and for the protection of the Established Church.—By the Duke of Wellington, from the Guardians of the Poor in the Isle of Thanet, for the Amendment of the Poor-law Act.—By the Bishops of London, Lincoln, the Duke of Wellington, the Earl of Shaftesbury, and the Marquess of Salisbury, from Poole, and various other places, against the Abolition of Church Rates.—By Lords Brougham, Strafford, and the Earl of Albemarle, from Birmingham and other places, for the Abolition of Church Rates.

Education in Ireland.] Viscount *Melbourne* rose and addressed the House to the following effect:—My Lords, in rising to submit to the House the motion of which I have given notice, I need not urge at any length on your Lordships the propriety of appointing a Select Committee which is its object. In proposing the appointment of a Select Committee to take into its consideration the plan of education which has now for some years been established in Ireland, to inquire into the whole subject of its expenditure, into the whole mode and course of its proceedings, and into the effects which are expected to result from it. I apprehend it will not be necessary that I should go into any great length of detail or extent of argument, and I shall carefully abstain from all those topics of irritation, from all those litigated questions, from all those matters of eager and animated discussion which were introduced on a former occasion, and which indeed, constituted the greater part of the debates on this subject, both in this and in the other House of Parliament. As I trust that we are about to enter into a full, a fair, a calm, and dispassionate inquiry as to the operation of this system, I think it will be better on the present occasion to avoid anything likely to excite an eager debate, or to influence those passions which we have seen to be usually called forth on this question. As your Lordships are so well acquainted with the progress of this subject up to the present period, it is not necessary for me to go into any explanatory details. You are aware that in the commencement of the present century the attention of Parliament was called to the state of Ireland in general, and more particularly to the great expediency and desirableness, the absolute necessity, of extending to Ireland the benefits of education—of education, the source of all morality, all religion, all good order and peace, and the diffusion of which has produced much beneficial and blessed effects in the other parts of his Majesty's dominions. Your Lordships are also aware that a Committee sat to inquire into the subject, who strongly recommended what I am happy to find recommended in the petition just presented by the noble Earl opposite—a system of united education. You are aware, too, that in pursuance of the recommendation of that Committee the then existing Government, whether they were right or wrong in so doing I will not now determine, instituted the Kildare-street Society. You are acquainted with the progress of that society, the number of schools it established, and the number of children who attended these schools. You are also aware of the great discontent which grew out of that system; and I shall not, therefore, go into any detail upon the subject. It is sufficient for me to say that the state in which those schools were found and the discontent which prevailed in the public mind in reference to them, induced his Majesty's Ministers, very shortly after their accession to office, to propose to Parliament the system of education in Ireland which is now to form the subject for your inquiry and consideration. That system was proposed to Parliament in September 1831, and was acceded to; a board of commissioners was appointed, and proceeded to carry the system into effect under the letter of directions addressed to them by a noble Lord, a member of the other House, at that time Chief Secretary to the Lord-Lieutenant of Ireland. In the month of March following, the noble Earl opposite brought the whole subject under the consideration of the House, by moving a resolution inculpatory and condemnatory of the system, but the resolution was not acceded to by your Lordships. The system, however, continued to be made a frequent subject of discussion, both in this and in the other House, on the presentation of petitions connected with it; but no direct motion was made on the subject till last year, when the right rev. Prelate who has this evening presented several petitions against the system (the Bishop of Exeter) moved for a Select Committee to inquire into the subject; at the same time, however, stating, that it was not his intention to overthrow or destroy the system which was established; and that if this motion were objected to by the Government he would not proceed with it; and the motion was accordingly withdrawn. My Lords, considering that the time during which the system has been in operation now exceeds five years, and considering the progress it has made, I think it must be prudent and wise, on many accounts, for us to institute inquiries into the manner in which the system has actually worked! There are many reasons for this; and though I do not mean in the slightest degree to countenance any of the attacks which have been made upon the Commissioners and upon the system itself, or to pronounce any opinion upon the subject on the present occasion, yet I certainly think that the differences of opinion which still prevail on the subject, and the various complaints made against the system, considering the quarters whence these emanate, do require an attentive and serious consideration. Your Lordships will remember, I believe, that in the course of the last Session, when the right rev. Prelate threatened to renew his motion on the subject this Session, I ventured to request of him that before he did renew his motion he would give us some previous notice of his intention, in order that we might be the better prepared with specific answers to his charges, and better explain the points on which he might declare his doubts. The noble Duke opposite objected—that my request was improper and unparliamentary, and that it amounted to a breach of the freedom of Parliamentary discussion—to a breach of the privileges of the House—to introduce a precedent of asking any noble Lord to state beforehand what statements it was he meant to bring forward; and unquestionably the noble Duke was right in his Parliamentary view of the point. My Lords, it has appeared to me that, considering what are the charges against the system, their minute nature and local character, and the difficulties of investigating them, it will be far better that the inquiry into them should be referred to a Select Committee, than be conducted in any debates in this or the other House, a course which would lead to no satisfactory result, and which would only end in confident assertions on either side, and in bringing forward conflicting and entirely opposing authorities. My Lords, the Commissioners have made three reports, which reports are on the table of your Lordships' House, in which they have stated the progress they have made, the number of schools they have established, and the number of schools to which they have given assistance, the course which they intend to pursue in future, and, above all, the extension which in their opinion it is desirable to give to the system. I do not pledge myself to act upon the recommendations of the Commissioners. I will give no opinion on the subject on the present occasion, but supposing the system to work well for the country, and that it is proper to extend it by a further grant, it is essential that such extension should be preceded by a full investigation into the subject by the Select Committee, for which I now move. These are the grounds upon which I form my motion for inquiry. There is one other point, however, which I hardly need mention to your Lordships, or which it is necessary to press on your attention, namely, the great and paramount importance of the question and particularly to that part of the country to which it refers, as well as the great difficulty which attends dealing with this question in a country situated as that is. The great and high object to be obtained in the first place is the extending a plan of education to the inhabitants of that country, and that care shall be taken that the education so to be communicated is an education that would prove beneficial, wholesome, and salutary to the people. The noble Lord concluded by moving that a Select Committee be appointed to inquire into the system of national education in Ireland.

The Bishop of *Exeter* said, that he was unwilling at any time to trespass at length on their Lordships, and under ordinary circumstances he would not have done so at that time but in consequence of the peculiar situation in which he stood, he felt called upon to enter into the subject more fully than he otherwise should. The noble Lord at the head of the Government said, that he moved for the appointment of the Committee in consequence of the discussion which had originated last year, and it would seem from the statement of the noble Lord as if their Lordships, without any discussion, might at once go into the inquiry. At present the question was by no means so simple in its nature as it was when he moved for the Committee last year; much had happened since in connexion with this subject which deeply affected him as an individual, and the most serious charges had been brought against him; therefore, as an injured man, he wished to throw himself upon the indulgence of the House, while he defended himself not only with reference to the statements he had made with respect to this question of education, but also while he vindicated himself from charges which a noble and learned Lord had thought proper to bring against him. As an attack had been made on his honour and character, that he was sure would be a sufficient reason to allow him to justify himself. It would be in the recollection of the House that on the third report of the Commissioners of Education being laid on the table he said that he should, at the early part of this Session, take an opportunity of calling the attention of their Lordships to it, and that he would then prove the truth of the statements he had made on the subject of education, which had been questioned in the Report. On that occasion, instead of letting the notice of motion go off in the customary manner, the noble and learned Lord had the confidence to say, "that notwithstanding the notice the rev. Prelate had given, he would not come forward with his motion." The noble and learned Lord went farther even than that. Forgetting those judicial habits which were familiar to him on the other side of the water—forgetting that he was a Lord Chancellor, and that he ought to possess full and complete evidence before he pronounced judgment, the noble and learned Lord thought it right to say, "that he never knew a case to which so complete an answer was given as the case which he (the Bishop of Exeter) had advanced against the Education Commissioners." The noble and learned Lord had said all this, and now he rose for the purpose of showing the noble and learned Lord, that he meant to keep his word; and he felt it to be his duty besides, to endeavour to prove to the noble and learned Lord, that he had perhaps mistaken the strength of the case to which he had alluded, and the weakness of the answer that had been given to it. He could assure their Lordships, that he meant to be as brief as he possibly could in stating this case, but certainly not so brief as to neglect what seemed to him to be necessary for his own defence and justification. He would go farther, and state, that he should not regret, if, in vindicating himself, he at the same time showed to the House and the public what the real character of that system was into which the Select Committee would have to inquire. He should now proceed to read the words of the Report which referred to him. Speaking of the schoolmasters to be formed under this system, the Commissioners said:—

> "It is only through such persons we can hope to render the national schools successful in improving the general condition of the people. It is not, however, merely through the schools committed to their charge that the beneficial influence of their conduct would be felt. Living in friendly habits with the people, not greatly elevated above them, but so provided for as to be able to maintain a respectable station; trained to good habits, identified in interest with the State, and therefore anxious to promote a spirit of obedience to lawful authority, we are confident that they would prove a body of the utmost value and importance in promoting civilization and peace."

They then proceed to complain, that the notice which was taken of this passage, in a speech delivered by him in that House, contained a great perversion of the original, because those words "trained to good habits" were left out. The Commissioners observed in their Report—

> "The original sentence, it will be observed, contains the words 'trained to good habits;' whereas, as quoted in the pamphlet, these words are left out, and the reader has the impression conveyed to him that we depend for the conduct of the teachers, not on a virtuous training, but on interest only."

Now, it did appear to him, that these words were mere surplusage; and he would tell their Lordships why—because there was not a single syllable in the Report which he had referred to that had for its object the enforcement of that "virtuous training" of which the Commissioners spoke. And if the system were carried to its full extent, it would, in fact, exclude the possibility of any such "virtuous training." For, be it observed, it was proposed to introduce 5,000 different schools, with 5,000 masters, which masters were to be trained for two years in model schools, at a distance from their ordinary places of residence. Those parties were to be taken from their homes, they were to be removed from parental control, they were to be banished from the neighbourhood of their pastors, and to be left, without any responsible protector, to their own guidance for a considerable length of time. Yes, he repeated, under this system many thousands of young men of the lowest order would be taken away from their friends, and exposed to all the temptations which were inseparable from a residence in Dublin or any other large city or town. This, he conceived, was one of the most frightful evils that could be inflicted on youth. Was there, he would ask, any college for the reception of these young persons? Was there any place within the walls of which they might, as the Report said, be kept in "a course of virtuous training?" There was no such thing; there was no provision for the moral superintendence of those classes who were in training for the occupation of schoolmasters. In the first year the Commissioners proposed that there should be 500 teachers educated in the training school at Dublin; in the second year 1,500, to meet the increasing demand; in the third year 2,000, and so on; thus to proceed for several years, and to begin declining in number at the 6th year. But how weakly was this reasoned. Did it follow that those who received the necessary education would consent for a comparative trifle to officiate as schoolmasters? If a young man turned out well, would he not take to a more lucrative and profitable employment? Did their Lordships, or did the Commissioners, think it possible that young men receiving such an education as was contemplated would be content with a miserable stipend? They were to be instructed in composition, English literature, history, geography, and political economy; natural history in all its branches; mathematics and mathematical science; and mental philosophy including the elements of logic and rhetoric. Now, he asked, would a young man thus liberally instructed sit down, "passing rich, on 40*l.* a year," in some obscure village, or retired hamlet, and devote his life to the education of the peasantry? It was perfectly impossible that any such idea could be realised. Young men thus qualified would be abstracted by merchants and other wealthy individuals, who would be very glad to avail themselves of their services. Was it not to be supposed, under such a system as this, that young men, originally influenced by virtuous habits, would speedily lose them? In the model school they were not compelled to receive religious instruction; it was not provided for them. And would those young men, coming from all parts of the country, call on the clergy of the parish where they were located to give them religious and moral instruction? It was not, he would observe, compulsory on the clergyman of the parish, to give such instruction; and, he would add, that it was impossible for him, in some instances, to afford it. Let them look to the model-school of Dublin, for instance. For some years the model-school was in St. Peter's parish. In that parish there were a rector and two curates, who were opposed to this system. The most rev. Prelate (the Archbishop of Dublin) very properly called on them to administer religious instruction. One of them, Mr. Weldon, undertook the task, but declared, that in a case of such deep importance, if he did not perceive a willingness on the part of those who presided over the school, to further the spread of religious instruction, that he would advise those who had children at the school to remove them. That parish consisted, he believed, of near 20,000 inhabitants, and though the duty was difficult, this gentleman contrived to give religious instruction for an hour or three quarters of an hour each day. There were at least 400 persons attending the model-school in Dublin. And how many of these who were meant to be schoolmasters attended to receive that religious instruction? It appeared, that only two, three, or four persons thought it worth their while to attend. He was not therefore incorrect in saying, that the religious instruction of the teachers was, to say the least of it, exceedingly defective. The Commissioners in answer to this said,

> "What is our practice in the national model school of Dublin? It is this—the Ten Commandments are constantly hung up in it, so is the Christian lesson which our rules enjoin. A portion of the word of God is daily read from our Scripture extracts; and, at stated times, the Protestant and Roman Catholic parochial clergy attend and give religious instruction."

Now, he believed that the system pursued was not calculated to impart religious instruction, but led to great difference, which was embarrassing to young minds, and excited also hatred and ill-feeling. The Commissioners further observed, that in their Report it was set forth that

> "Local patrons and committees of schools are expected to select suitable teachers and to superintend them; but the Commissioners will require to be satisfied of the fitness of the teachers, both in regard to moral character and to literary qualifications by testimonials, and also, if they see fit, by training in a model school and examination;"

and they complained that this was omitted in the speech or pamphlet. Now he would show, that some of those who were selected to preside over these schools were persons guilty of great moral depravity; and, with their Lordships' permission, he would cite an instance or two. He had been accused of getting up trumpery cases, and that the authority on which he rested was void of foundation. He should now proceed to point out some of the places at which circumstances to which he had adverted on a former occasion actually occurred. The first case to which he would allude occurred in a parish in the county of Londonderry, in the diocese of Armagh. His authority was a most respectable clergyman, the brother to a noble Lord. This gentleman stated that, when the census was to take place in 1831, under the Population Act, he was extremely anxious to ascertain the number of persons of different religions in his parish. In consequence of this he was brought in contact with the master of the national school in the parish, who he found, was avowedly an infidel. In consequence of this that gentleman did what was highly becoming of him; and above all, considering the situation which he held, he made a report of the circumstance to the inspector, and he thought that this person must have reported the case to the Commissioners, as he had expressed his astonishment and disapprobation. This reverend gentleman then thought that there was an end to the matter. After some time, however, this schoolmaster appeared at church, and therefore he presumed that this person had been admonished by the Commissioners. After some time this man wished to attend at the communion table, and the clergyman did what was the duty of every clergyman before he admitted any one to the sacrament, namely, to examine him as to his fitness. He did so with respect to this individual, and he found that his conduct was so immoral that he felt that he was boundto repel him from the altar. He now came to a case which he could not mention or allude to without a feeling of disgust. He held in his hand some papers relative to the conduct of a schoolmaster in another parish in Londonderry, the name of the clergyman of which was the Rev. Mr. Townsend. This gentleman went into the national school-room, and on going up to the desk of the schoolmaster he found that it had no lock. On looking into it he found that there were some papers, although not many, of such an indecent and disgusting character that he would not presume to describe them. It had been asserted by the master, that he saw these papers in the hands of some of his boys, and that he took them away and flogged the boys; but still they were left in an open desk in the school-room. He had also received that day some copy-books, which were written by the boys. They were regularly written from the top to the bottom of the page, and if the most rev. Prelate before him was anxious to satisfy himself, he would put these books on the table. Many of these copies are of a highly improper and indecent tendency, and they appeared to have been written in this school as a matter of course. He now came to the case of a school near Dublin. This school had been built by the board of schools. Now this was not at such a distance from the board that they could not have something like a good superintendence over it. This school had been established only two months, but still the master had made himself most notorious by his conduct. He had received a letter from a gentleman who lived in its vicinity, who informed him that dancing was the only art or science taught in this school, and this was practised for some hours each day, and the lessons were attended by all the blackguards in the neighbourhood. He informs me that "the master of the Rushes National School had summoned a man named William Norton for a sum of money alleged to be due for the tuition of his children. The defendant proved that the school was a public nuisance, and that dancing was the only art or science taught in the school. He proved that two hours each day, before the school business terminated, all the idle and disorderly vagabonds in the neighbourhood congregated at the school, and that when dancing commenced, a scene of confusion and riot frequently followed. The schoolmaster, Thomas Lalor, acknowledged, on his oath, the fact of his being a fiddler, and that dancing was taught in the school during the hours of business; but he asserted that he acted in conformity with the instructions of Priest Hickey, the only visitor, and that his salary was paid by the National Board." He now came to another case of great importance: he alluded to the conduct of the master of the national school at Carlow. This place, he believed, was within a comparatively short distance of Dublin. It was a most notorious place, and whatever occurred there was sure to find its way into the newspapers. The schoolmaster of this place was one of the most remarkable agitators in the country, and was the agent and friend of the well-known priest, Father Maher. At the recent election in Carlow he acted as poll-clerk, but was turned out for his partiality; he abandoned the duties of his school to attend to the election. This schoolmaster, in the autumn of the year 1825, was proved to have joined with the priest Maher in one of the foulest conspiracies that had ever been concocted. It related to certain charges that had been brought against some soldiers who were accused of drinking party toasts. In consequence of this, a military investigation into the matter was ordered, but Priest Maher did not approve of this mode of proceeding. Upon this, the Lord-Lieutenant, in the exercise of his discretion, chose to direct an investigation of another kind, and Colonel Ward and Mr. Mahony were ordered to inquire into the particulars of the case. The inquiry continued for thirteen days, and it appeared that during the whole of this time the schoolmaster left his school and attended to drilling the witnesses and teaching them what they were to swear. He (the Bishop of Exeter) was using strong language, but he was only using language which he should be able to prove. Every one of the witnesses examined admitted that he had been asked to attend by Priest Maher and Gorman the schoolmaster. One of the witnesses of the name of Patrick Nolan, of Carlow, after giving his evidence, was asked by M. Mahony, one of the gentlemen, "At whose instigation did you come here?—Father Maher sent for us, and ordered me to attend the court to prove against the military. Did any person tell you what you had to swear to?—They read out of a paper what he had to swear to. Can you read?—No. Who read the paper containing what you had to swear to?—(after great hesitation he replied) He could not tell; he did not know him. On your oath was it not Gorman, the chapel or national schoolmaster? After considerable hesitation, he said that it was Gorman. So Gorman read for you what you should swear to, and sent you here?—He did." He was sorry to trespass on their Lordships, but it was necessary that the next point to which he should advert, should be an attack which had been made upon himself. The fact was, that the report of the speech which he had delivered in that House upon this subject last year had since been published in the form of a pamphlet. The attention of the Board had evidently been directed to the pamphlet, for the report of the commissioners (the third report which had proceeded from them) was an answer in effect to the charges which that pamphlet contained. In the sixth page of that report the commissioners stated, that he had charged the board with positive falsehood, and in support of that statement they made the following quotation:—"They state, in particular, that no fewer than 140 clergymen of the established Church have been among the applicants for their aid in the establishment of the new schools. Now I have taken the trouble to investigate this matter, and I find by the returns which have been laid before the House, that with respect to the 140 persons described as clergymen of the established Church, who have given in their adhesion to the plan of the commissioners, there are, in fact only eighty." Upon this the report stated, that the author here first misrepresented the report, and then, on his own misrepresentation, grounded a charge of positive falsehood against the commissioners. The report proceeded to say,—"We neither stated, nor professed to state, in the report, the number of clergymen who had applied to us for aid. What we did was this: having given a list of our schools, and having stated opposite to each the number of signatures to the application for it, we had the whole added up, and we noticed the fact in the body of the report thus:—"Of the signatures to the application made to us for aid, 140 are those of clergymen of the established Church," Now, it was true, that in the passage of the second report to which reference was here made by the commissioners, it was not alleged that there were 140 "persons" who were applicants. But in another part of that report, which gives an abstract of the several persons, clerical and lay, who had applied to the board for aid, it was stated, under the head of "Clergymen of the established Church" that there were 117, and twenty-three persons of that communion who had applied, thus making the 140, and the commissioners there distinctly said, that there were 140 persons who had made application to the Board for aid. He should have been much more disposed to forgive these gentlemen if they had said that they had made a mistake in this respect, than he was now, when they came there and endeavoured to make it appear that he had gone the length of misrepresenting their statements. He should have been ready to say that it might have been a clerical error, or to have attributed it to any excusable motive, but the course which they had now taken did not leave him so confident as he could have wished to be, that the error originated in any mistake at all. In the third report, where the commissioners gave an abstract of the applications for aid, they took care to correct this error, and the head given was,—"The number of signatures of persons, clerical and lay," &c. Now, he complained of this, because it had the effect of deceiving persons. It did not deceive him (the Bishop of Exeter), but it did deceive the noble Marquis (Lansdowne), who, in his speech of last year, observed, that if the noble Earl, the Earl of Roden, would look at the report, he would find that in the province of Ulster, the most Protestant portion of Ireland, applications for the establishment of new schools had been signed by 260 Protestant clergymen, and that this showed that the system had been beneficial. He had moved for a return which would have rendered the matter tolerably clear, but the production of it had been continually delayed. It was laid on the table on the 8th of July, and he had moved for its production at the commencement of the Session. Now, all the information contained in it was contained in the report, and that had been signed and presented early in June, and therefore there could have been no difficulty in furnishing it at an earlier period. He must, therefore, say, that it was not good tact on the part of those who had the concoction of the report. The report gave the names of 116 clergymen of the Established Church who had signed a declaration in favour of this system, but it appeared that some of the names put down were gross forgeries. One of these clergymen, residing at Hollywood, Tipperary, had been for the last ten years absolutely incapable of performing any act whatever, and his wife said she did not believe he could have signed the application. However, he would suppose that this clergyman did sign the document, for it seemed to correspond with that unfortunate Gentleman's signature. But this poor Gentleman was in a state of absolute fatuity, and had been so for many years; it involved, therefore, in his opinion, the moral guilt of perjury in putting down his name as one of the applicants for these schools. The most reverend prelate was most especially charged by him of having been guilty of the most extraordinary inattention to a case which he should have thought would have fallen peculiarly under the notice of the most reverend prelate. It was stated, that to the application for a school in Dublin the name of a Rev. J. G. Robertson was subscribed. He had made some inquiry respecting this gentleman of a friend very high in the Church in Dublin; and the answer was, that he could not find any such person. He ventured to state this in the speech he made last year. Upon this point the board said, "The author states that Mr. Robertson, who signed one of the Dublin applications, was not resident within the parish from which it came; neither did we state that he was." But he (the Bishop of Exeter) did more; he stated that no such clergyman could be found to have existed in Dublin at all. The board did not find it convenient to deal with that part of the charge. "It frequently happens that a school is attended by children of different parishes, and we should consider any clergyman residing in the immediate neighbourhood as a resident clergyman within the meaning of our rules." Now, if a clergyman were said to be living in a town, while he really resided in one of the small neighbouring villages, the expression would be less out of place; but let that pass. The report went on to say, "Mr. Robertson, we understand, died about two years ago, at his residence in Queen-street." It was admitted on all hands to be a very difficult thing to prove the nonentity of a person, that difficulty being, in the language of our northern fellow-subjects, to "condescend" upon time and place; but here the commissioners had been liberal enough to give their Lordships both. However, he thought he should be able to prove to their complete satisfaction not only that Mr. Robertson never died, but that he was never *in esse*. He found that Mr. Robertson's existence was unknown to the schoolmistress of the very school for which he was said to have applied for aid. The teacher of the school never heard of him, never saw him; there was no trace of him in any of the school books; and, in fine, no one connected with the school had the least knowledge of him. But the case did not rest there. The schoolmaster and parish-clerk in the street in which he was said to have resided, knew nothing about him. The clergyman of the parish in which Queen-street was, had never heard of him; the three churchwardens had never heard of him; the vestry-clerk knew nothing about him, and even the tax-gatherer was not aware of his existence. Now, if this did not prove nonentity, he did not know what would. The commissioners said, that Mr. Robertson died two years ago in Queen-street. His (the Bishop of Exeter's) informants had taken the trouble—a trouble which he should never have thought of imposing on them—to inspect the registers of St. Paul's parish, and all the other registers of the City of Dublin, and it turned out that he was neither born, married, nor buried in the parish of St. Paul, or anywhere else. There was only one source of information into which inspection was not made, and that was the diocesan books of the diocese of Dublin. He should suppose that the most reverend prelate (the Archbishop of Dublin) would, of course, have looked into his diocesan books. The commissioners indeed had not said so in the report, but doubtless, the most reverend prelate would tell their Lordships so now. There was a remarkable circumstance mentioned in his speech, to which he had not heard any contradiction given,—he meant that part of it in which he showed that there was a much larger proportion than there appeared of Roman Catholics receiving aid than of Protestants. That was answered in this way—that when any effective application was made by Protestants, the Protestants had a larger sum given to them. That statement he believed, as he really thought that the board would encourage Protestant applications, especially when they proceeded from Protestant clergymen; but, unfortunately, whoever it was who concocted that report, he did what very crafty men are sometimes apt to do—he proved too much, and he clearly proved that the number of Protestant clergymen of the Established Church corresponding with the board was extremely small. Thus, in the province of Leinster, including the metropolis, there was only one Protestant clergyman who corresponded with the board; in Connaught, also, only one; in Munster, but five; and in the province of Ulster, of the Established Church, twenty-three; making in all, thirty. On the other hand, the number of Roman Catholic clergymen who were correspondents of the board amounted to three hundred and seventeen, the Protestant clergy not being so much as one-twelfth part of the whole body which was to have any control over these schools. He need not say that this was a subject of great, of vast importance to the character of the society, in considering how far it was likely to promote peace and harmony among the members of different religious establishments. He considered that if these schools were under the immediate control of the Catholic priests, they were not likely to add to the peace of Ireland, or increase morality, or indeed confer any of those blessings for which the system was established. He had looked into the lists of persons who corresponded with the board, and he had also taken the trouble of inspecting those records which they had in the reports of the other House of Parliament. He had been particularly struck with the evidence given on the subject of bribery and intimidation. It appeared that there were several individuals who had there exhibited their disposition to break the peace of society, to carry discord into families, and even to urge others to the commission of murder, who were among the correspondents of the board. He would trouble their Lordships with one instance of the conduct of one of these priests. He alluded to Father Tyrell, of the County of Carlow. He was a correspondent from the school of Timriddon (as we understood it). Father Tyrell attended Mr. O'Connell on that celebrated occasion, when Mr. O'Connell made a speech that would not easily be forgotten by any who heard it, or who heard of it. He would not have trespassed on their Lordships' attention with any words of Mr. O'Connell if they had not been connected with the conduct of the Roman Catholic priesthood intrusted with the management of the national education. What he was going to read was a speech by Mr. O'Connell, when this Father Tyrell was by his side as his great aider and supporter. Father Tyrell, therefore, was morally responsible for all which Mr. O'Connell said on that occasion. The words of Mr. O'Connell were:—

> "Boys, the names I call your enemies do you call every friend of theirs you meet in the streets. Girls and women, when you meet the Bruenites spit on them, spit in their faces, particularly if they are Catholic Conservatives. Write traitor on their doors with chalk, and tell your friends at home to do the same. You who are wives of the Catholic electors, if your husbands do not vote for their religion, bless yourselves, and then swear on your prayer-books to separate from your husbands if they don't obey your commands; you who are their daughters, I tell you, if your fathers vote against you spit in their faces! and call them the names I taught the boys to call them."

But it did not rest there. He would read to their Lordships a speech which the priest Tyrell himself made on a more recent occasion. His informant heard the speech, and was ready to prove it on oath in any court of justice; he assured their Lordships that his informant was a gentleman of high character. The speech was made during the contest at the late election for the county of Carlow. After much prefatory matter, Father Tyrell proceeded at great length to show that the Catholic priests did not want ascendancy. "No, they want justice and equity, and they shall have both!" in other words, the Established Church in Ireland must fall. Father Tyrell then proceeded to say:—

> "You persist in your votes. Your landlords have no more right to them than they would have to your wives and daughters. The landlords used to do so formerly, when you Catholics were in gaol, and I tell you they used to do so by laws of their own creation. Will you send to Parliament men who fasten these chains and renew the penal laws? Tell your landlords, that before you are exterminated you will make them feel your power. Let those who would re-enact the penal laws be hurled from the place of power; and don't forget we are eight millions."

So much for the schools in Ireland being under the auspices of the priests. The next thing he would observe upon was the answer contained in the report to what he had said relative to the schools in connexion with nunneries and monasteries. The Commissioners said,

> "Upon this point we had a consultation with Lord Stanley, and he thought it desirable, as we did, that such schools should be brought under our superintendence, and therefore we granted aid to them."

Whether Lord Stanley's opinion was right or not he would not state; but there was one clause in the sentence of the report which showed that the conduct of the Commissioners by no means rested upon that noble Lord's opinion. It appeared that the noble Lord wished these schools to be placed under the superintendence of the board. Was that the case? The inspection of these and other schools was, on an average, once a year. Did their Lordships think it possible that an annual inspection of these schools, which, from the very nature of the case, must be constantly under the direction of persons who were bound by their religion to act in violation of those rules required by the board, could be effective? The difficulties which were thrown in the way of those who went to visit these schools were enormous. A clergyman, who had a right to inspect them, went within the gate of a convent, and the porter told him he must go back, but the clergyman insisted on his right, and the man gave way. In consequence of what he then saw, he went shortly after again with his rector, but this time the porter positively refused to open the gate for them, and they were obliged to leave the school uninspected, in spite of the regulations of the board, that clergymen should be at liberty to inspect these schools. With respect to this description of schools, he would give their Lordships one sample of what they were. The name of the school was the Convent-school of Carrick-on-Suir, the national female school. A clergyman, than whom a more respectable man was not to be found, had written to him an account of what he had seen and heard there, which he would read to their Lordships. The writer of the letter visited the school on the 23rd of January last, and he wrote:—

"The school is altogether Popish, under the entire dominion of the nuns, who are represented, in all their correspondence with the Commissioner, by the Rev. — O'Connor, Roman Catholic Curate. There is no schoolmistress, the nuns being the only teachers. Books were supplied gratuitously. There is no local subscription, and no payments by the scholars. Twenty pounds is received annually as a salary for the mistress, which, of course, goes to the support of the convent. In the registry of the school I found an order of business, of which the following are particulars:—

" 9 o'clock—Morning prayer.
" 9½ o'clock—Catechisms, lessons, and work.
" 2½ o'clock—Catechism.
" 3 o'clock—Lecture, and prayer.

"The children are required to be very punctual in their attendance at the opening of school, and one of the nuns concludes the day's business with a spiritual lecture and prayer. Religious instruction is the particular object of every day. Friday is nominally set apart for the purpose, being the only day on which the Scripture lessons are read.

"At one o'clock each day twelve of the nuns enter the school, and take their respective classes.

"One is always on duty two hours at a time keeping the required order in the room. The nun, my informant, told me also that twice in the year there is a very interesting spectacle exhibited in the school. The children appear in their best clothes, and the priests are present. An examination is held, and tickets are given to those who shall be admitted to confession and communion. On these occasions one of the priests erects an altar in the schoolroom. The confessions of the children are heard, Mass is celebrated, and they who are pronounced fit admitted to the Eucharist.

"Mr. —— had inspected [I think] on the 11th of November. I inquired whether he had examined the children, and the nun replied, 'That he was not very particular or curious—that he was a very nice person, and apologised for asking even the few questions that he did, on the ground that he was liable to be questioned himself. At the same time,' she said, 'she was not the sister who attended him.'

"During this conversation nuns went and came from the interior of the convent through a large door in the school-room, opening into the house. The convent joins the chapel, into which there is a passage for the nuns."

He was really very reluctant, the Right Rev. Prelate continued, to trouble the House, but there was another case to which he was bound to call their Lordships' attention. It was the case of a school at Esker, in which he had last year stated that mass had been performed; and he was able to say now, as he did then, that a person had actually been present when some religious service was performed. Probably that person might be mistaken as to the nature of the service; but still, from the words of the report itself, it was admitted that Roman Catholic religious service had been performed every day for a considerable period of time, and that there had been an altar there, with the permission of the board. Upon that subject he had made strong remarks, and the board had been pleased in their strictures upon him to find fault with the source of his information, and to complain that he had no acquaintance with the Rector of the parish, but went to the Curate. Now the difference in the value of their testimony must greatly depend upon the extent to which each was worthy of confidence; and with respect to the character of the Rector, he did not wish to make any observations; but this he would say, that the Curate was a man of the very highest respectability, of an eminent family, the nephew of a gentleman of nearly the highest consideration in the parish; whilst, on the other hand, he thought it would be almost impossible to find an individual less qualified to afford information on the subject in question than the Rector. He had never but once entered the school; he performed none of the religious duties connected with the parish; they were wholly discharged by the curate. But the board said that they knew the rector. He was sorry that he must doubt the extent of their knowledge; he thought, if it had been extensive, they would not have boasted of it. This, however, was not all; they said that it was the duty of the curate to inform the rector of all the circumstances connected with the transaction. Why, so he did—that was the very first step which he took; but the rector took no notice. If then, they said, the rector refused to interfere, he ought to have applied to the diocesan or to them. He did apply to his diocesan; and he (the Bishop of Exeter) was sure that that rev. Prelate could not be the author of this report; for, had he been, the curate of this parish would not have been told, that he ought to have made an application to his rector or diocesan; but ought not to have appealed to a stranger in England. Now if the direction contained in that report was intended to represent as a violation of duty an application by any one to a Member of Parliament, in respect of an alleged grievance, he felt bound to say, that he did think that the Commissioners had not a notion of what that duty was, and that they were regardless of their own duty as Commissioners under the Crown in putting forth such a statement, for he would say that nothing could be in more direct defiance of the Constitution than to say, that a person, thinking himself aggrieved by a certain Board of Commissioners, ought not to go to any Member of Parliament for the purpose of having his statement laid before the Legislature; to make any such declaration was in his opinion little short of treason to the Constitution. The curate of the parish in question had gone to a Member of that House, who, however unworthy of that attention, would never shrink from the task of taking up the just cause of any injured person; and would never desert his duty in attempting to obtain the redress of any one of the grievances of that unfortunate and most persecuted class, the clergy of Ireland. The next case to which he would refer was the irruption of Dr. M'Hale into the parish of Achill. Upon one occasion, their Lordships would remember at a meeting there held, one of the Roman Catholic preachers, among other violent things, had said—"The Protestant religion began in hell, and would end in hell." Dr. M'Hale rose up towards the termination of the proceedings, and expressed his approbation of all that had been said that day by the Roman Catholic Ministers of religion from their pulpits. With respect to this case, however, their Lordships were already possessed of a great body of evidence. He wished to call their Lordships' attention to some observations upon a clergyman with whose worth and excellence he (the Bishop of Exeter) was well acquainted, the Rev. Mr. Nangle. That rev. Gentleman had been exhibited in that report in language most unjust and prejudicial. (The right rev. Prelate then read an extract from the report, which in substance stated, that the clergyman before alluded to was Mr. Nangle, and that upon a certain occasion he had been in attendance at a police office.) Now, the natural construction of these words was disadvantageous to the character of that gentleman. They conveyed an intimation that his character had at least been called in question. What was the fact? That Mr. Nangle had to complain of a grievous outrage which had been committed upon him, which he proved in a court of law, and in reference to which the Lord-Lieutenant had been compelled to interfere. Such were the real circumstances of the case; but, notwithstanding that, the ordinary construction of the words used exhibited Mr. Nangle in an invidious and unfair light. The report further observed that—"He was neither the rector nor curate of the parish, nor ever connected with the district, except as being engaged on a mission to convert the Catholics." Now that, he confessed, did seem to him like a sneer upon the occupation in which the rev. Gentleman was engaged. And here, again, it was evident to him that the most rev. Prelate near him did not draw up this report, for he was not a man who would speak lightly of an individual who, being neither the rector nor the curate of an island, deserted and desolate, having no other means of spiritual instruction, went to show them the pure love of God: and, with a zeal which greatly exceeded that of almost any other man, with a zeal almost apostolic, devoted himself in the discharge of that office to the unceasing persecution of an excited priesthood. Let him do justice to that gentleman in these respects. He went to these islands several years ago, in a state of great indisposition and weakness, hoping that the mildness of the air might tend to his recovery. There he found that, whatever the famine of bread might be, the famine of the word of God was most disastrous, and was producing the most fearful effects; and it pleased God to put into his heart the thought of effecting a reformation. He built there a little settlement; and, with the support and assistance of his diocesan, the Archbishop of Tuam, he had gone on in his good work, which it had pleased God to prosper; and there were now in that district many souls which, through God's blessing, he had been the means of preserving. To such a missionary he looked with feelings of the most unfeigned respect; and he would say that any one might be proud to hold as high a station as this despised missionary. There was another point in this case to which he must allude. It seemed, in his statement last year, he said that Mr. Nangle had stated to the board that one of the schoolmasters had been formerly dismissed from the coast service for using seditious language. What course had the board pursued with respect to that statement? Why actuated by a very ungracious feeling, it had directed legal proceedings to be instituted against the publisher of that report. After they had published their report Mr. Nangle sent letters to several individuals of the board upon the subject. A letter was sent in July last to the officer in the coast service, and in August that gentleman, Lieutenant Irwood, replied that he did recollect that a man of the name of O'Connell had been dismissed from the coast guard for using seditious language. The statement, then, which he had made in that House had almost been proved to be true—at least that statement, and the publication of it, had been entirely justified by facts within the knowledge of the Board. They were aware of the statement of the inspecting officer; there could be no doubt as to the identity of the man, for he himself admitted he had been dismissed, though he denied the cause. Under those circumstances, should the Board have persisted in such an action, supplying the prosecutor with funds, for the purposes of vexing and harassing a man who had published a speech which had been delivered in that House? Should they have told him to adopt such a course when no blame could be attached either to the individual who made, or the person who published, that speech? But they did direct him to adopt that course—they insisted upon its adoption—and they must have done that which, in a worthy cause, he would have applauded—they must have supplied him with money to defray the costs; for in the most expensive court his Majesty's Attorney-General had been directed to apply for a criminal information against the publisher of the speech, and the schoolmaster had stated upon oath that the charge against him was false. The inspecting officer had declared positively that he did dismiss him for that which the man himself not only said that he did not do, but that he was not dismissed for doing. If Lieutenant Irwood had said that which was true how could that man be screened from the charge of perjury? But there was another party who were seriously implicated in this transaction—he meant the Board of Commissioners; for if that man had taken a false oath he had done so being urged and compelled to the act by the Commissioners, they at the time knowing it to be false. "My Lords," continued the rev. Prelate, "I declare that I would not have the responsibility which attaches to this act of the Commissioners for any consideration in the world." The next case respected the school with which the noble Marquess (Lansdowne) had been in some degree concerned. The noble Marquess had said on a former occasion that an investigation had taken place into that school in the Queen's county; that he had received an account from his agent, and that there was found to be little foundation for his (the Bishop of Exeter's) statement. Now he would frankly say, that the attestation of the noble Marquess weighed with him more than the reports of the Commissioners; and he, therefore, did at first imagine that he must have been misinformed. He had, however, since prosecuted his inquiries into the matter, and was now in a condition to summon the best testimony in his own favour. It was at least testimony with which the noble Marquess would not quarrel, being that of his own agent, and the curate of the parish; and he pledged himself to prove virtually and substantially in Committee, by the evidence of these Gentlemen, the Rev. Mr. Perrin and Mr. Price, the truth of that which he had said. Let it be understood that he said "substantially." There were other cases also which he would not now enter into but reserve them, together with the proofs he should bring forward to show that the Scripture extracts contained corruptions, tending to favour the peculiar doctrines of the Church of Rome, for the consideration of the Committee. He had said last

year that there were books used in the schools during the religious instruction of Roman Catholics, and "recommended by the Commissioners," which contained matter offensive to Protestants. There was a work called *The Catholic Christian Instructor*; and at page 90 would be found words which he thought their Lordships would deem offensive to Protestantism. The words were "God rejects the worship of an heretical or a schismatic congregation as sacrilegious and impious." At page 150 he found the following passage, "What a melancholy case it must be, that so many thousands of well-meaning souls (meaning Protestants) should be wretchedly deluded with the pretence of God's Holy Word, when, instead of this they have nothing put into their hands but corrupted translations, which present them with poison instead of the food of life." Now, the Commissioners flatly denied that they had recommended this book; that, in fact, it never had been recommended by them. Never "recommended" was the word: well, that might be true—they might not have employed the word "recommended," but they had employed another word, or perhaps words. About the 11th of July, 1832, they had published two lists of books; one of books and tracts, which were to be generally employed; the other, which was published with "the sanction and approbation" of the board, for the particular use of the Roman Catholics, and from the latter of these lists the work he had quoted was taken. So that it did appear that they had not "recommended" the book. Oh, no; they had merely "sanctioned and approved of it;" and he wished them joy most heartily of this refined distinction. For his own part, he had thought that sanction and approval were more weighty than recommendation merely; perhaps he was wrong; at all events, they had sanctioned the use of this book, and they had approved of its use. He had said that the part of the first chapter of St. Luke which the Commissioners had left out was one of the most important, if not the most important, passage in the gospel of that Evangelist; and that it was so in the estimation of the Established Church, because it gave more fully than elsewhere was given the account of the incarnation of our Lord. Now, it had been declared that this edition of the Gospel was a whole, it was shown as a whole, and yet this important passage was left out. They seemed to think that if the sense were given, no harm was done; why then say it was the whole Gospel? He complained of the want of the pure Word of God; he complained that that pure word should be castigated and chastened down to meet the taste of any body. The variations with which they supplied the original were beyond the question. Had they said it contained the whole? and did it contain it? The Commissioners had had the assistance of the most rev. Prelate (the Archbishop of Dublin) certainly: but he could not readily believe that the most rev. Prelate had approved of this. He did not see how a new preface to the second edition could alter the case; he could not see that what was mutilated remained a whole; the distinction was one at which he could not guess. This, however, was not all; the Commissioners actually commenced their work of transmutation; and they said "an examination of the original verses will, we think, at once explain to any person accustomed to prepare Scriptural instruction for youth why we thought it best to give a summary of them in a work intended for school lessons." This he was sure did not come from the most rev. Prelate, who, he was certain, would not put the Gospel into an *index expurgatorius* to meet the pure eyes of youth. Did it, then, come from the Roman Catholic Prelates. That was more incredible, more marvellous still. If their Lordships had had the misfortune ever to have looked into the Roman Catholic tracts on confession, they would indeed consider it the most impious hypocrisy to demand the purifaction of the Gospel of St. Luke, and to publish the foul enormities of the "preparations for confession." He still adhered to the opinion that any version of the Scriptures was better than none, and that the Douay version without notes was preferable to mere extracts; and he could not understand how individuals would not consent to require the use of the Scriptures, even in a Douay version, and yet could consent to require that the observance of the Roman Catholic religion should be kept up one day in every week of the year. He could not understand why the mere Bible should be repudiated, and yet the whole Roman Catholic sys
let in. A few years ago he had
opinion that no extracts wou
he had thought it imposs

had relied on the sworn testimony of Dr. Murray in the years 1824 to 1826. Dr. Murray had said, that to the mere exhibition of the extracts he should not object, but to exhibitions of them as extracts from Scripture he should object, unless they were taken from the Douay version. He found himself wrong, but he would not be wrong on that subject again, for he would not believe a Roman Catholic Bishop on oath in matters in which religion was concerned. If Dr. Murray had not so sworn he had grossly injured him; if he had a doubt on the subject, he should by such a declaration have been guilty of a calumny on him; if he had no doubt on the subject he might have been guilty of rashness; but now, after a lapse of time, and on the fullest and closest inspection, he re-affirmed the charge. Dr. Murray did swear what the report, not he, charged him with having sworn. He called on the most rev. Prelate to say, after having read the report, whether Dr. Murray had so sworn or no. He had made some extracts, and having introduced them for the purpose of proving his charge had been accused of unfair quotation. It was true that the extract given by him as a single answer to a single question, was made up of one answer and a part of a second. Now, at the request of the reporters, he had sent them his extract, marking by a line where the one answer ended, and the fragment of the other began. This line had escaped their attention, and the fault was attributed to him. But it booted very little to the question, whether or no the one sentence was appended to the other. Dr. Murray, it appeared, was favourable to a compilation from the Scriptures, into which the forms of the verses of neither version were admitted; but it must be borne in mind, that he had said that they could propose nothing to their own children as Scripture which was not from their own version. They had indeed been asked, why, as they admitted that the Douay and Protestant versions of Scripture were very much alike, they would not allow Catholic children to be taught from the pure Protestant version. To that Dr. Murray objected. There was, however, another letter, by Dr. Murray, subsequently to this, which removed every particle of doubt as to the meaning of the former letter. The right rev. Prelate proceeded to read as follows:—

> "All the Prelates fully agree in the propriety of the objection urged by the Roman Catholic Archbishops, against putting into the hands of Catholic children as Scripture, any book which is not conformed to their own authorised translation."
>
> "To this principle, which seems to be common to Roman Catholics and Protestants, we feel it our reluctant duty to declare, that the work, &c., cannot, unless the plan on which it is constructed be wholly changed, obtain our sanction as a book of general instruction, to be used in schools wherein Catholic children receive their education. It purports to present to Catholic children the inspired Word of God, and yet it differs from the translation which those children are taught to consider authentic."
>
> "A work, however abstracted substantially from the Scripture, but not purporting to be the words of Holy Writ, would not be liable to the same objection."

He thought he had now fully made out the case. In the remarks which he had made, he had only been actuated by a sense of duty; from the discharge of which, he trusted he should never be withheld by any fear of his conduct being misinterpreted. He had remarked that these circumstances had made him distrust the oath of a Roman Catholic Prelate in Ireland, when his religion was concerned; he did not shrink from the full responsibility of that declaration, and he would take the liberty of alluding to one or two recent instances, which were in some, though a slight degree, connected with the subject then under their Lordships' consideration. In the month of December last, the Committee of the Female National Schools, in Drogheda, thought fit to give a public dinner to Mr. O'Connell and the person whom they call the Primate of Ireland; and they gave that dinner in their character of the Committee of the Female National Schools. He regretted that it was necessary for his purpose to quote the words of Mr. O'Connell; but at that dinner, given to him and the Primate, he said:—

> "I want to bring back the prosperity which will make Poor-laws unnecessary, and, if by no other means, by a domestic Legislature. But I am making an experiment to obtain justice from England without that alternative; and till it is fully worked out, I cannot think of falling back upon my favourite measure of relief. Let this experiment be one of five years duration, as well as the other. Two are already passed; and when the others have terminated, if we see that England does not

give us justice, we must take it for ourselves. I make the experiment fairly and honestly, and without any shade of chicanery. I will take the fullest means, and use my best efforts to make it successful; and if we get justice, it is all we seek; but if we fail in the experiment, then shall we demand the power of legislating for ourselves."

To their Lordships he need not say, what justice meant in Mr. O'Connell's vocabulary.

"I call upon the people to support the King's Ministers, who have promised us justice. We should be untiring in our efforts to enable them to fulfil that promise, or the fault of the failure will be ours. Lay aside your wishes for repeal, but do not lay aside your efforts for justice. Let the good men of England see that while you have assisted them, and all who sought justice, to obtain it, you will not consent to be deprived of it yourselves. Why do I—whose life has been spent as a disciple of peace, preaching that no alteration in Government can be good if brought about by force, and that one drop of human blood would be too dear a purchase for any victory—talk of physical power? Irishmen, because we have been insulted. I would rather see your river again red with Irish blood, than that we should be degraded and insulted. We might submit to the destruction of our property, and the danger of our lives—to the ferocity of the ruffian soldier, and the heartless camp-follower. In all these, and a thousand other shapes, injury was heaped upon us, and we bore it, and perhaps would again; but we will never consent to submit to insult. In this industrious and intelligent town it will be seen what is the opinion of the contumely thrown on our country. Ireland will rejoice in your sentiments, and the press will tell the whole British empire that it is not safe for England to be a party to the insult. Chains of adamant, and the force of the Russian empire, would not be sufficient to bind us under insult. It must, then, be wiped off; or else——'

Here the learned individual appeared to have paused, as if the sequitur were too dreadful for utterance. He repeated that he had not quoted these words on account of the individual by whom they were uttered, but on account of what followed. The chairman, at this dinner at Drogheda, stated that he had next to propose the health of the Primate of Ireland. the most Rev. Dr. Crolly, the friend of civil and religious liberty. Dr. Crolly, in returning thanks, said:—

"Liberty, civil and religious, is the birthright of all bearing the image of the Creator, as well the black as the white; and no man should assume the right of the Deity, to force the opinions of his fellow man, and men who venture to do so, have reason to fear that they will suffer for it here or hereafter. I am glad and exceedingly happy, that among you the principle is cherished. There was a period when Belfast stood pre-eminent as the friend of liberty, but that spirit is now nearly extinct —a dark cloud has passed over its horizon, and obscured the beauty in which it shone. But let this be a lesson to you, and as you rise in wealth and commerce, raise the flag of civil and religious liberty; and that you may bless and prosper under it will be the foremost wish of my heart. I feel complimented by the kindness and attention with which you have listened to me, particularly in the presence of the individual who has done more for the cause I spoke of, than any other person in ancient or modern times."

Such was the language used by Dr. Crolly at Drogheda, and having quoted it, he would leave their Lordships to form their own opinions, and to draw their own conclusions from it. But before he sat down, he would just quote a few more lines from one of the speeches made at a dinner lately given at Carlow to the Lord-Lieutenant of Ireland, and at which, Mr. O'Connell was reported to have said:—

"My friend, the Chairman, in alluding to the Conservative festival in this town on yesterday, talked of respectability. Respectability! What does my valued Friend mean by respectability? They may have the respectability of the hogget or the ox, that fatten on the land—they are as stupid as they are malignant, and as ugly as they are contemptible. Are they respectable for their virtues or acquirements? Are they respectable for those qualities which make man truly respectable—patriotism and humanity, or in a word, love of country, and of their fellow men? No; they are cruel, unrelenting, perfidious tyrants; their consolation is the widow's tear, shed amidst the ruin of desolated villages, and their music is the scream of the orphan, and the groans of the expiring victim, who dies beneath the withering blast of that oppression which forced him from his humble home, from the green fields where his fathers dwelt, and suffers him to perish by the wayside, a houseless and heartbroken wanderer. Like the ghoule of the Eastern tale, they live and delight to live upon sucking out the warm heart's blood while life is still in vigour, and reducing their victims to the grave, before the chill of years, or the course of natural events carry them away. They love the wail of famishing children, and the agony of ruined and agonised parents. Poor old Kavanagh."

Mr. O'Connell continued:—

"Alas! poor Kavanagh. If he had not made the fatal alliances he did, one would be glad that he would sink into his grave in the peaceful obscurity in which, for his own sake, he ought to have remained, and not to have the dead cats and dogs of the neighbourhood thrown into it along with him.—After 'Lord Morpeth,' three times three and loud cheers. 'The right Rev. Dr. Nolan and the Catholic clergy of his diocese.' "

He would now give them the language which was adopted on the same occasion by a Roman Catholic bishop, Dr. Nolan, who, after hearing the language which had been adopted by Mr. O'Connell on his own health having been proposed, said,

"I beg leave to return my best thanks for the manner in which my name has been received. Mr. O'Connell has truly stated the reason why I thus appear in a political assembly, and I think the same feelings which actuate me belong to the rest of the clergy of Ireland. Mr. O'Connell has not, however, stated the reasons fully. We are compelled by the necessity of the times to appear amongst the people, and seek for justice for our own beloved country."

He (the Bishop of Exeter) would here state, that in the cry of "justice for Ireland" was meant the destruction of the Established Church in Ireland, and of all those institutions which we loved.

"We, however, attend on this particular occasion as much to give a hearty welcome to the man to whom we owe so much, as to testify our approbation of the principles upon which are based justice to Ireland and universal happiness to mankind. Mr. O'Connell, in speaking of himself, said, he was but a feather thrown up, which merely showed the way the wind blew; but I will venture to say that he is a man raised up by God to work out the regeneration of our country. It is for the people that he is working. We pray God to direct him, and bless his efforts, and continue that vigour of body and mind which are necessary to him in that arduous contest in which he is engaged. It is with great pleasure I appear amongst you this evening, to acknowledge that I am united with the people in the cause of Ireland, and to proclaim, that with the blessing of the Most High, we cannot be separated from the people."

Another toast given was—"The total abolition of tithes." The Rev. Mr. Cullen, another correspondent of the Board, and manager of its schools, being loudly called for, spoke to this toast in a very eloquent manner. This was the language used by a Roman Catholic Bishop in the presence of a large assemblage of the Roman Catholic clergy—those very clergy being in correspondence with the Board of Commissioners of Education. These Roman Catholic clergy, too, be it recollected, held the most unqualified domination over their flocks, and had the religious and moral instruction of the rising generation of youth. Those, then, who looked closely at the working of this system, would see that it was utterly impossible that any modification of it could be introduced; and he, for one, would now declare, lest hereafter he should be considered as giving to it any degree of even modified sanction, that he never could concur in a system so fraught with temporal and spiritual evil.

The *Archbishop of Dublin* trusted that their Lordships would bear with him for a short time, and for a short time only, because it was his determination not to enter into discussions upon matters which were out of place, and would be premature, as they would be much better reserved for other occasions. He would not enter into criminations or recriminations against any individual. If any one were to bring a complaint to impeach him for high treason, he, as an individual, was ready to appear in a court of justice and to suffer punishment. As for the vague slanders and the multiplied rumours which had gone abroad, he would not notice them. Then with reference to the complaints which had been made against the Commissioners of the Board of Education in Ireland, against them as public officers, and their mode of discharging their duties, it appeared to him, and he believed that feeling extended to their Lordships generally, that, when the Committee should be appointed, that Committee was the place where the questions at issue might be calmly and satisfactorily investigated, where witnesses would be called to prove and verify facts, where distorted accounts were set right, and before which tribunal nothing was brought which was not strictly examined into and proved. He rose, then, not for the purpose of prematurely entering into a discussion which ought to be reserved for the Committee. He would say nothing of the Board of Education, or of the body of Commissioners; but with respect to the charges which had been made against himself, although he thought their Lordships were called upon to give him a hearing in his own vindication, yet he felt he should better consult propriety in not detaining their Lordships with matters relating to individuals, as that was a legislative and a judicial assembly. The rules which had been established in the schools of education would be examined day after day before a Committee; and he trusted that on all points time would bring the truth to light. If some men's minds were so constituted as not to receive truth, he was sorry for it, and they were not the persons whose esteem he had any wish or anxiety to cultivate. Various measures had been suggested for the extension and improvement of the system of education, and, of course, they would require that the reasons for and against their adoption should be well and maturely considered; and this could be done in the committee alone. Supposing the system, in the main, were to be continued, it would be for the Committee to consider what modifications they would adopt to put it on an extensive footing, and bring it into greater operation. The committee was wished for by the Commissioners, with a view to save their Lordships' House from being involved in fruitless and unsatisfactory debates, and the public mind from being poisoned by vague irregular complaints which were brought forward, and which could not be stopped until a satisfactory inquiry was made. From time to time various complaints were brought forward, and if the Commissioners were present on these occasions it would be well; but they were not always present, and it was quite impossible that those who were connected with the system could carry all the particulars in their memories, seeing that there were 1,500 schools. If anything were complained of in these schools in this country or in Ireland, the Board immediately instituted an inquiry into those complaints. But these things were generally brought forward without first consulting the Commissioners as to the alleged misconduct of their servants. One complaint had been, that some little schoolboy had scribbled this or that in his copy-book. Oh! nothing was too small or too great to be debated with the most eloquent declamation night after night. In many of these cases flying rumours came round to the board that some one had heard such and such a matter had taken place; and in all these instances he knew there was very great exaggeration, distortion, or even fabrication of facts; but still he supposed there were many persons who, being ignorant in many cases of the circumstances, did believe what they stated. But there were many who came down to the court, and by their conduct raised some suspicion, if not of their veracity, certainly of the purity of their zeal. Their Lordships would never credit them when he said that they were too nugatory to be brought before the commissioners, but not so before the House of Lords. These facts oftentimes reminded him of the circumstance which he had read of in a favorite old comedy, where a newly-elected Member of Parliament, returning from some distant part *(Sir Francis Wronghead)*, elated with his success, was run against by a rude carter, and his carriage was damaged. In great indignation the son suggested to his father, "Oh, father, bring him before the Parliament-house." Now, it seemed more honest to bring these matters before the legislature than before the court. If they sent to Ireland, an inquiry was made by the inspector, when the statement was found to be generally partly fabricated, and there was some distortion of facts in all these cases. He knew that when a week or ten days had expired, and when the attention of the House and the public had been directed to something else, and after erroneous statements had gone forth, no regret was ever expressed; not one word of apology was given; never anything like repentance was evinced by those who had originated the calumnies; no repentance was shown by those who accused the Commissioners of having struck out all about repentance from the gospel of St. Luke. No; but it appeared as if the supporters of St. Luke had struck out repentance from their own hearts, and thus the time of the House and of the public was taken up, and prejudices were raised, which a calm consideration of facts before the Committee must verify, and thus put an end to such irregular proceedings at once. In respect to this subject, there were two classes of questions which were very distinct, which ought to be kept apart, but which were perpetually confounded with each other; he meant the question relating to the system as originally laid down, and the question relating to the conduct of the Commissioners. He would appeal to their Lordships whether they were not mixed up together continually, not to say anything of speeches made at Conservative, Radical, and Repeal meetings. At one time they had a debate in reference to the various versions of the

Scriptures, to the different force of their Hebrew particles, and various manuscripts of the Old and New Testament. Those considerations were mixed up with the general reading of the copy-books of the schoolmaster. Then there were the questions raised whether the reading in these schools should be compulsory or voluntary; whether people should be permitted or forced to read; whether the school-houses were erected on the best sites, or whether they were not often too near the chapel-yard. Then they were appealed to in respect of the Douay version of the Bible. Again, it had been made a matter of complaint to the Board that some schoolmaster had done something some years before his appointment. Thus they had to contend with this mixture of questions; and he would say, let them all be thoroughly examined into. The Committee to whom these matters would be referred would be very different from any other that ever was, if it did not classify the various heads of the subject, and leave the House to deliberate dispassionately upon it. Now, as to the system of education in Ireland, the Commissioners were not responsible for it, except so far that they conscientiously acted upon it. If the Commissioners, however, and those who were the parties to work the plan, had conducted themselves unwisely, let them be examined before the committee, and if the system were hopeless let it be abandoned; if it were necessary to make an alteration, let the means of education be increased. If the Commissioners had been false to their duty, if they had harboured improper servants for the public service, let the system be tried under the direction of other parties. But let not this mixture of the questions be resorted to, seeing that they were much more easily confused in an animated debate than they would be in a calm discussion before the Committee. He would give one or two specimens of the sort of accusations, which, he supposed, in nine out of ten cases of charge, would be made. He was not speaking of this in reference to individuals, but with respect to the conduct of the Commissioners, and the merits or demerits of the system. Supposing a witness examined with reference to the model school at Dublin, he would be asked,—is it attended by Roman Catholics and Protestants? and if so, in what proportion? He would answer so and so. He would then be asked, Can you account for the proportions being such as they are; or do you apprehend that they are different in other cases? The answer would be, Certainly. Because, in the model school of Dublin, almost every parish had its school; the Protestant children were fed and partly clothed. The schools were under the guidance of Protestant clergymen. Then the witness would be asked, Do they receive instruction from their respective ministers on the same day? Now how came it that they received so little instruction? Why, most of them went to their own parish. Some come many miles to attend the model school every day, and when the instruction was not going on there they went to the respective schools of their parish, some of which were Presbyterians. Thus their Lordships would see how very different a turn the case might take under the investigation of a Committee, to that which it assumed in a debate in that House, conducted perhaps with all the skill, the eloquence, and powers of a practised debater. Then again, before a Committee, no one would be allowed to substitute premises, without foundation, for facts, by saying that he had been told on good authority so and so. The authority must be produced. It happened in most instances that these authorities were not known to him and to illustrate it, he would give another specimen of the sort of cases which occurred. A Mr. Perrin, in company with Mr. Price, visited the school where it was said a treasonable sentence was set as a copy by the master of the school. Mr. Perrin, it happened, had a living in his diocese, and he turned the character of the transaction entirely; and the report which had been spread, according to this Gentleman's account, was totally false. He had told him (the Archbishop of Dublin), moreover, that seeing the false statement had appeared in *The Standard* newspaper, he thought it proper to put the matter right, and he accordingly assured the parties that they were mistaken. The notice which was taken of this communication was to the following effect:—"We have received a letter stating some inaccuracies, &c. We have not time to insert this letter, but shall do so some time hence." This had occurred half a year ago; but the parties were still waiting for a convenient opportunity to bring this letter forward. He had told their Lordships that in some instances he knew these statements were believed by persons whom they could not conceive would put them forward. A complaint had been very properly brought before him by the court, of a person in the neighbourhood of a small town in Ireland, who declared that the Protestant children could not in conscience attend the school, because there was no way to it but by going in at the gate of the Roman Catholic chapel-yard. Now he had said, that in some instances the schools had been erected on objectionable sites, but they were prevented in a variety of cases from selecting better sites. He therefore said he would see in this instance how far the site was really objectionable, and that he would go and see the place himself. With this view he accompanied the curate of the parish to the spot. They passed along the street, and saw a board up with the words "National School." He asked the Curate whether that were not the entrance to the school, but he assured him no, it was not, and that they must go through the chapel-yard. They went accordingly through the yard—went to the back of it, where there was no entrance—and went to the entrance from the street, which had been the entrance for many years. But the parties, nevertheless, who had made the complaint in the first instance, no doubt believed it, or they would have sent the case up for the consideration of the English Legislature; they would never have appealed to him who was on the spot. He immediately found that the grievance complained of was totally without foundation. The school in question had been under the management of the Board for two years; and he mentioned this circumstance as a specimen of the reports which were circulated. At the same time he was not going to enter into details, or into the justification of any one. The Commissioners were ready to defend the system of education in Ireland, though they were not there to undertake this task, but to refer its defence not to the present Government, but to the three or four last Governments. When the conduct, however, of the Commissioners was implicated, they were ready to defend it. In a Committee they would be enabled to ascertain distinctly, matters of fact connected with many cases, for the satisfaction of those who wished for the truth, and who were desirous of submitting the case to a Committee, and not to the heat and ardour of debate. Their Lordships had heard of one petition which had been presented that evening from the clergy of the diocese of Derry and Raphoe. He had heard it read, and a petition from the clergy of another diocese and some laymen. The petition was virtually for the withdrawal of the grant for the united system of education, and in some instances it argued against the division of the grant amongst Roman Catholics, and the schools which were exclusive they proposed should have it all. The petition of the Bishop of Raphoe was informal, but that petition contained suggestions for several important alterations, which might be introduced with advantage. [The Earl of *Wicklow*: The resolutions upon which the petition was founded.] He begged pardon—the resolutions. He had answered the Bishop as an individual, that the Commissioners would be glad to receive any suggestions calculated to improve the system, upon the foundation that they themselves had laid down, that there should be no restriction and no coercion; and anything against that principle they would not consent to. Of anything like coercion he could not approve. As to the petitions which were presented on the opposite side, there were many things often stated which appeared to him to be very right from the premises; but those premises were not founded on facts. He knew it was strongly urged that these schools had failed for the purposes of united education; and this was equally strongly set forth as a ground for abandoning it. Persons of some importance in the North of Ireland had stated this as a reason for the division of the grant. One gentleman had assured him that in his own quarter no Protestant attended these schools; but he could assert to the contrary. These facts, however, must all come out before the Committee. He had ascertained, by examination, that in these schools, extending to between 300 and 400, in which it was said there were no Protestants, that about 22,000 Roman Catholic children, and 16,000 Protestants had been educated, and all these facts occurred under the eyes of the very person who made the statement, that there were no Protestant children in these schools. But the blindness of those who would not see, and the deafness of those who would not hear, was beyond all belief. There was another point on which he would not detain their Lordships long. It had been set forth, he could not say whether as a point of conviction or experience, that the Roman Catholics would be glad to accept the condition of using the authorised version of the Scriptures. When some persons were asked on what grounds they held this view, he was told that their meaning was, that the Roman Catholics would be glad to make use of the Scriptures, if it were not for the influence of the Roman Catholic priests. He certainly thought this rather a rash position, but he was not prepared to deny it. But how, he would ask, was this influence to be destroyed? By searching the Scriptures. That is, whenever the dominion of the priests is to be destroyed, it was to be done by reading the Scriptures; and when reading the Scriptures is the point, that could not be done, because of the influence of the priests: this was indeed a most encouraging prospect. On similar premises he could solve the great problem of squaring the circle; give him but a triangle of half the area, and he would construct the square; and if they wished to obtain that triangle, why it was half the area of the square. This was not a sort of argument that was satisfactory to the Commissioners; neither, he would tell their Lordships, would it be to the British Legislature. He would briefly advert to one other point, which many well-meaning persons argued on rather unreasonably. It was unfortunate that this point was often urged in the heat of debate, and by arguments that were equally destructive to the views that themselves brought forward. It had been set forth with every form of expression that could add difficulty to the subject. He referred to the different versions of the Scriptures that were in use. It was stated that great and essential alterations had been made in them. But of these how could the unlearned judge? He meant those who were not Hebrew or Greek scholars. How could they compare the various translations with the Hebrew and Greek Scriptures? You tell them of mistranslations; they say you may be right, but we will take the word of our clergy as you do. The Roman Catholics employed the same argument that others did; they say there is danger in the principle of dissent. Their Lordships must know, that all who were not themselves scholars must depend for the meaning of words upon others, and how could one more than another tell that he was not deceived? Amidst these contradictory directions, they would either abide by their own religion, or the result of these conflicting doctrines might bring religion itself into danger, and the people might conclude that there was no revelation at all. Who would deny the fact, that amid all the differences, there were the same great leading doctrines;—that all agreed in the main points, and that each, in its chief features, was the revelation contained in the Bible. There were many persons who had not been at Rome, or who, perhaps, had not seen the sea; but they depended on the relations and descriptions of others: for although those relations and descriptions might differ in some particulars, the difference was not so great as to impeach their general veracity —so they believed. It was the same with matters of religion. Nothing could be more pregnant with danger than to circulate among the people exaggerated notions of the differences between several versions of the Scriptures. Before he sat down, he begged to observe, that when he talked of the efforts which had been made to poison the public mind on this subject, and of the vague and irregular manner in which the various charges and imputations connected with it had been thrown out, he was by no means making any complaint on the part of the Commissioners. He was not authorised to do so. The Commissioners had undertaken a most laborious task, in the discharge of which they had undergone every form of vituperation and obloquy. Of all this they never complained, but went on doing what they conceived to be their duty. They were anxious, however, that the system itself should be properly appreciated. They were not at all anxious about their own characters; for, however deeply they might for a time suffer, they felt it could not be in a better cause than in endeavouring to enlighten the people of Ireland; and they knew that, in the long run, the slander which had been uttered against them would be mischievous only to their opponents. But they were anxious that the public mind should be disabused on this important subject, that a proper estimate should be formed respecting it, and that no petty bickerings should stand in the way of the general good. The House of Lords was a deliberative assembly, not a criminal court, and the Commissioners had no complaint to make in it. They had been abused by false reports of their conduct. They looked with satisfaction to the appointment of the Committee proposed by the noble Viscount. If the result of the investigations of that Committee should be an opinion that the Commissioners had not fulfilled the duties intrusted to them, they would readily and cheerfully resign their offices to others; and, in so doing, would lose nothing, but would have a great deal of trouble and vexation. If their successors should improve upon their system, they would be the first to rejoice at the event. But the great question to be determined was, whether the people of Ireland, who could not be coerced into the adoption of any religion, should be left in darkness, or worse than darkness, or whether an attempt should be made by conciliatory means, to enlighten and improve them. Of this he was perfectly sure, that without some measure of that kind, all other measures, however important they might seem, for tranquillising and benefitting Ireland would utterly fail.

The Earl of *Wicklow* said, that under existing circumstances, he was surprised that the most rev. Prelate had perceived no grounds for the statements they had that evening heard from the most rev. Prelate opposite. The most rev. Prelate seemed to forget the peculiar circumstances under which the right rev. Prelate had addressed their Lordships. The right rev. Prelate had brought forward similar statements on a former occasion, when he had proposed a Committee such as the present; and the most rev. Prelate would remember that it was then refused; he had then made use of every argument to induce the Government to comply with his proposition, and, notwithstanding his plain and convincing statement, the right rev. Prelate was not able to prevail. But what did the most rev. Prelate, who had last spoken, then do? He thought proper, as the head of the National Board of Education, to publish an answer to the speech of the right rev. Prelate, in the shape of a report of that body, filled with the most vituperative attacks. That report, a public document which was to be circulated through the country, was filled with accusations, and the most unfounded attacks. Not content with this, the most rev. Prelate cast imputations on the author of the speech, which, under all circumstances, he did not think was fair to the right rev. Prelate. Neither did he look on it as just, to accuse the right rev. Prelate of introducing irrelevant matter into his speech, and details not at all connected with the matter at issue. With respect to the report on their Lordships' table, he considered it a very discreditable document to those who framed it, and that it was beneath the dignity of the Commissioners to condescend to dedicate the whole of their report to a speech that had been made in their Lordships' House. He must, however, in some degree exonerate them, as he understood that it was in compliance with the directions of his Excellency the Lord-Lieutenant, that they had answered the speech of the right rev. Prelate. It appeared that this was done by his order, and not by the Commissioners own desire. He was in Ireland when the report was issued; but he had read it within the last two days, and he had found one paragraph to which he would call their Lordships' attention:—"The pamphlet," said the report, "objects to our giving aid to schools in connexion with monasteries, nunneries, and other religious establishments. Now, on this point we had a communication with Lord Stanley, and he thought it advisable that schools of this description should be brought under our direction, as well as all others." This stated, that they agreed with Lord Stanley, that aid should be granted to schools connected with nunneries and other religious establishments. He would venture to say, that Lord Stanley had sanctioned no such measure, and he would show that it was in violation of the rules laid down by him. One of those rules ran thus:—"It is the intention of the Government, that no aid shall be given to any schools, unless the Board shall be entitled to exercise a complete control over them." Could any one believe that this complete control could be exercised in nunneries? How was it possible that Lord Stanley should act in such injudicious and complete violation of his own rules? He had strenuously opposed the measure when it was first introduced, for he thought it would do incalculable harm. He had at the same time stated, that he should not object to see some system introduced better calculated to obtain the same ends. But how did the case now stand? The Kildare-street Society was totally ineffective as a system of general education since the withdrawal of the Parliamentary grant, while the present system had been in operation for some years. For this reason, he thought it impossible now to recede, and his chief anxiety now was, to make the system available for useful purposes, and to conciliate, as much as possible, the people of all denominations. He had presented a petition to that effect from the clergy of the diocese of Derry and Raphoe; and he believed that if the suggestions of that petition were adopted, all the difficulties that stood in the way of the general utility of the measure would be obviated. The Roman Catholics objected to the use of Bibles in schools, and the Protestants objected to schools in which it was prohibited. The suggestion of the petition was conceived in the true spirit of peace; it said, "Let there be no coercion, no rejection." It was competent for the parents to say if their children were to use the Scriptures in those schools, and surely there could be no objection to this on the part of the Roman Catholics. He felt the greatest satisfaction in knowing, that the right rev. Prelate thought well of that system, and he hoped, that when the Protestant clergy saw, that no other plan could be adopted, with any prospect of success, and when they considered the great evils of the absence of a system of universal education, they would give this system a calm and dispassionate consideration, and that the suggestions of the petition would be eventually adopted by them; for it was totally impossible to prevent the abuses of any system, if the Protestant clergy did not lend their aid. The Committee was the fittest place for the investigation, and he hoped the petition he had presented would meet, in the Committee, with calm consideration.

Lord *Plunkett* said, that the philosophical, liberal, and enlightened speech of the most rev. Prelate had given the debate a complexion totally different from that which it had previously worn. In that most rev. Prelate's observations he entirely concurred. The sentiments of the most rev. Prelate were such as ought to belong to every Protestant and Christian divine; they were imbued with charitable feeling, and were calculated to do great good, and to remove exasperation in the minds of the Catholics, and of a great portion of the Protestants of Ireland. He would not run the risk of weakening the effect of the most rev. Prelate's enlightened remarks by any detailed observations; but he could not help strongly recommending to all who were anxious to promote Christianity and harmony to dwell more on the points in which Catholics and Protestants agreed than on the points in which they differed. That was the true way to promote Christianity. Had the right rev. Prelate acted consistently with his argument, he ought to have concluded by voting against the committee; for he declared that he was in possession of facts which had enabled him to make up his mind to the necessity of a total departure from the present system. In the same breath the right rev. Prelate had accused him of having departed from his duty as a Member of that House, by prejudging the question before them. He had not prejudged the question. The right rev. Prelate having brought a charge against the Board of Commissioners, which charge they had refuted, he, as a kind of grand juror, had ignored the Bill which the right rev. Prelate had preferred. He was satisfied that there was no ground for the right reverend Prelate's charges. Let their Lordships look at the charge, and let them look at the answer in the Commissioners' third report, a report highly creditable to them, and which, notwithstanding the opinion of the noble Earl, he thought they were compelled to make in deference to their own character; and he was persuaded they would agree with him that the defence was satisfactory and complete in all points. But the defence of the Commissioners did not rest on their own statements. The present was a great experiment; the Commissioners had shown how far it had been successful. This was no hasty matter. The subject had been four or five-and-twenty years under consideration. Commissions had been appointed in 1812 and in 1822, from both of which several reports had been presented; those from the latter perfectly agreeing with those from the former. Those reports went the whole length of declaring that scripture extracts were proper, not (as the right rev. Prelate still maintained with extraordinary obstinacy) to supersede the Bible, but to steer clear of the difficulties attendant upon requiring the reading of the Bible. Well, after these two Commissions had made their report, a select committee of the House of Commons was appointed, which, after due consideration, recommended the present system of education, and one Parliament granted a sum of money for carrying it into effect. After all this had been done, and after a Board of Commissioners was appointed on the recommendation of the legislature, he thought no person—and, above all, no legislator—had a right to show any bitterness, or any feelings of anger, that the board had prosecuted the plan intrusted to their management. He was, indeed, quite at a loss to discover the cause of the right rev. Prelate's violent indignation, or account, in any possible way, why he should denounce the system in the extraordinary manner he had done. That board was composed almost entirely of Members belonging to the right rev. Prelate's own church. The Acts they were carrying into effect were the Acts of the legislature; and what, he would ask, could be in their proceedings, or in the regulations which they had adopted, to kindle such a degree of excitement in his mind? The language of the right rev. Prelate was, that the present system of education was calculated to disturb the peace of the community, to produce immorality, to put an end to all religious feeling among the people, and cause dissensions between the teachers and pupils in these institutions. He was utterly at a loss to see any ground for such results as the right rev. Prelate thought the system calculated to produce. Could it be the lessons recommended by the board that were calculated to bring about a total absence of religious feeling? What were these lessons? The first lesson inculcated the duty of "living peaceably with all men, even with those who differed from them in religious persuasion." Another lesson was to the following effect—"Our Saviour Christ commanded his disciples to love one another—to bless those that cursed them, and to pray for their persecutors. He called on them to adhere to the truth, but not to act harshly towards those who were in error and believed not in the truth. He prohibited his disciples from fighting in his behalf, and commanded them not to return evil for evil, but to do unto others as they wished to be done unto, and show to all that they were followers of Christ, who, when reviled, reviled not again." Now, he would ask whether a right rev. Prelate or any other Christian ought, in the spirit of the Gospel, to make such charges against any class of Christians, and call the Catholic hierarchy of Ireland a rabid priesthood? It was natural that Catholics should take offence at such violent statements made against their clergy, and it was natural that such charges against the Commissioners would tend to mar the effect of their labours. He was utterly at a loss to account for the conclusion to which the right rev. Prelate had come. He came to a conclusion directly the reverse; and so far from thinking that the system would produce a total want of religion and gross immorality, he was fully convinced that it was well calculated to prevent both. He had a published speech before him in the shape of a pamphlet. It purported to be the speech of the right rev. the Bishop of Exeter, but he did not know whether the statements were made by him, or whether it had been published under his authority; on examining the pamphlet, he found it was not exactly the speech spoken by the right rev. Prelate: he must say there had been some cookery, some dressing up, but the substance of it was the same. This pamphlet had an anonymous preface beginning in these words: "It has been deemed necessary (he did not know by whom) to publish the speech in a separate form, in consequence of a bill having passed since the speech was delivered to grant 50,000*l.* for the religious instruction of all classes, without distinction of religion." The pamphlet was published by Mr. Murray, a most respectable publisher; and as the right rev. Prelate had not put his name to it, he must treat it as anonymous. But assuming it to be the speech of the right rev. Prelate, he did not think the right rev. Prelate had followed a proper course in leading another person to answer for what would more properly have been answered by himself. He took up the pamphlet—he could not say written in a Christian spirit —to mark the passages which were incorrect, but he found it needless to do so, for in every page there were passages, not only incorrect, but totally unfounded. It was a pious vituperation from beginning to end. He would call their Lordships' attention to some of these passages. He should have expected that when the right rev. Prelate made statements and founded charges on them, that he would have taken pains to inform himself of the grounds on which he made them. The right rev. Prelate had stated nothing on his own knowledge—he did not know the truth of the statements on which his own arguments were founded—and he therefore should have expected that the right rev. Prelate, under such circumstances, would have come with great reluctance to the conclusion that the system was incapable of succeeding, and that the hopes of the empire were to be disappointed. Before the right rev. Prelate made such strong assertions, would it not have been proper to have taken steps for ascertaining the truth or falsehood of the statements? Should he not have called the attention of the Commissioners to the subject, or employed some persons on the spot to ascertain how the system worked? and if there were such gross abuses, should he not have endeavoured, along with the assistance of the board to remedy them? If that had failed, then it was his duty to have addressed his complaints to the legislature for the purpose of providing a remedy. But if the object which the right rev. Prelate had in view was a remedy of the evil, the course which he had pursued was most inconsistent. The right rev. Prelate had censured him for a charge made against the right rev. Prelate on a former occasion. The charge was, that the right rev. Prelate said the system adopted by the Commissioners sanctioned the mutilation of the Bible (he understood that assertion had been avowed), and he then proceeded to justify himself. The right rev. Prelate admitted, that he did not consider it a mutilation of the Bible to use extracts; but he was satisfied such extracts as would be acceptable to all persons never would be agreed on. Now, what were the grounds on which the right rev. Prelate came to such a conclusion? He had availed himself of the evidence given by a Roman Catholic Bis op, who, he insinuated, had asserted that such extracts never could be agreed on: he stated these words had been given on oath before a Committee of the House, by Dr. Murray, that he had been led into error by evidence given on oath by a Roman Catholic bishop, but would never fall into such an error again; and would never give credit even to statements made on oath, of Dr. Murray or any Roman Catholic bishop. Now, such language never was used by Dr. Murray. He had explicitly denied it; and after this explicit and distinct denial had been made, the right rev. Prelate said Dr. Murray had given a different interpretation to his words, and that therefore no Roman Catholic bishop was to be believed on his oath. Why was there ever such an unjustifiable, disgusting proposition to come, not only from a Christian bishop, but from any person of gentlemanly feelings? There was no charity in such an assertion; and the logic (as a noble Friend hinted to him) of the right rev. Prelate was merely palmed on the charity. The fact was, the words never were uttered. A conclusion had been drawn on the assumption that they had been uttered; and the right rev. Prelate considered himself justified, on such premises, to say that he would not believe a Roman Catholic bishop on his oath. He would ask if any charge could be made more galling, more inflaming, or more insulting, or any stronger language adopted for maligning the entire body of the Catholic hierarchy in Ireland? But the right rev. Prelate, not content with maligning the hierarchy attacked the inferior clergy. At a speech made by Mr. O'Connell at Drogheda it appeared Dr. Crolly was present, and because that gentleman was present he is to be made answerable for whatever Mr. O'Connell said. He could not admit such a principle, but at the same time he did not think, even if it were admitted, any blame could be incurred, for it was one of the best speeches Mr. O'Connell ever uttered. Respecting the repeal of the Union his opinions were well known. He had his own opinion, but he was not to be answerable for the opinions of others who might advocate such a measure. But what did Mr. O'Connell say? He said he did not want the repeal of the Union, but he wanted justice to Ireland. He did not see any great delinquency in a Roman Catholic priest being present at such a speech, or why he should on that account be involved in the sweeping anathema pronounced against the whole Catholic hierarchy of Ireland. But it would be a waste of words to dwell on such a subject. The charge against another Catholic priest was of a similar nature, though the speech made by Mr. O'Connell might not have been so free from censure. It was said—he did not know whether the story was got up—that Mr. O'Connell had used some expression implying that cats and dogs had been thrown into the grave of Mr. Kavanagh, and that Mr. Nolan was present on the occasion. The right rev. Prelate then alluded to M. Guizot, and quoted an abstract from his works, which he considered unfavourable to the Irish system of education. But it ought to be remembered that M. Guizot merely stated an abstract notion, and the case he put was very different from that under consideration—the system of education in Ireland, which contained plain and important truths, calculated, whether looking at natural or revealed religion, to produce the best moral effects. The right rev. Prelate said the report contained a falsehood (he did not say error)—it contained a falsehood respecting the number of clergymen who had made application for grants of money to establish schools in their districts. But he said more; and though he did not charge the bishops, he charged some others with having recourse to such a miserable artifice to deceive the public. But that subject had been already explained. The Commissioners had stated, that the applications from Protestants, Dissenters, and Roman Catholics, were all put down in the same way; that a return of the signatures was at first made, and afterwards the names; and the result was, that by the amended return it appeared there had been more applications from Protestants than were at first stated. He did not charge the right rev. Prelate with disingenuity, but it did appear to him extraordinary that before the right rev. Prelate complained to their Lordships of the conduct of the Commissioners, he had not taken more care to make himself acquainted with the real state of the case. Again, the right rev. Prelate had taken upon himself to charge the Commissioners with forging the names of several clergymen, and had instanced those of Messrs. Morrison and Cockburn; but the charge had been shown to be utterly without foundation, for both the parties named on being shown their signatures by the Commissioners fully acknowledged them. So much for the charge of forgery, and he trusted the House would fully appreciate the injustice, the gross impropriety of the right rev. Prelate coming forward with these vague, random charges, and endeavouring to create an impression on the public mind on the strength of allegations which, on the slightest investigation, turned out to be utterly devoid of foundation. While, however clearly these allegations were disproved, no sort of acknowledgment was made to the maligned parties, but, on the contrary, they were very strongly reprehended for their presumption in vindicating themselves. As to the case of Mr. Robertson, the charge here was, not that his name was used without his authority, but that there was no such person as Mr. Robertson. And the Archbishop of Dublin was vituperated for not having looked over his books for the purpose of ascertaining Mr. Robertson's identity in his diocese. Now, in the first place, it was not stated that Mr. Robertson was in the diocese of Dublin; and if it had been so stated, it was no part of the duty or business of the Archbishop to look over his books for the name unless representations had been made that such a person was erroneously stated as being within his diocese. There was one remark on this point which he (Lord Plunkett) could not avoid making. The right rev. Prelate had not chosen to apply to his brother in Christ to learn from him what the real state of the case was. No, the right rev. Prelate stated, that the information that no such clergyman as Mr. Robertson was in the diocese of the Archbishop of Dublin came to him from the Archdeacon of Dublin. How came that about? He knew and highly respected the Archdeacon in question, and he was perfectly clear that he would never have written to the right rev. Prelate on the subject had he not done so in answer to an application to that effect from the right rev. Prelate. [The Bishop of *Exeter:* I admit having wrote to him.] Now, he would put it to their Lordships, whether such a proceeding on the part of the right rev. Prelate was worthy or becoming?—whether it was right or proper on the part of that right rev. Prelate to write to an Archdeacon for the purpose of endeavouring to extract out of him something on which to found an allegation against his Archbishop? This proceeding, however, was only of a piece with Mr. Cleaver's letter on which the Morrison portion of the right rev. Prelate's case was made out. Did the right rev. Prelate mean to say that Mr. Cleaver or any person on his behalf would have written to him on the subject had he not been written to by the right rev. Prelate? No; the right rev. Prelate had been furnishing his armoury with accusations by pumping the inferior dignitaries of Ireland; and he would again put it seriously to the House whether such a mode of proceeding was worthy or proper? It was monstrous that any Member of their Lordships' House should found upon rumours and assumptions of this sort such heavy charges against persons who could not possibly be there to answer him. He would not delay the House by adverting at any length to the distribution of the funds in the hands of the Commissioners. It appeared by the report that while the Roman Catholics of Ireland constituted seven-eighths of the whole population, the proportion in which the money was distributed was, that the Protestant correspondents received 2,190*l.* per annum, and the Roman Catholic correspondents 8,721*l.* As to Mr. Nangle while he concurred with the right rev. Prelate in applauding the object of that gentleman in his mission to Achill—for doubtless it was a most disinterested one which could prompt him to go to that wretched part of the country in the desire of converting the Roman Catholics to Protestantism—he was not prepared to say that he admired that gentleman's discretion, or considered that he proceeded on his mission in a way at all calculated to promote peace in that part of the country. He denied, however, that the Commissioners had meant to throw any imputation on Mr. Nangle or to involve him in any way in a charge of creating a breach of the peace. No such thing: but here was another glaring instance of the manner in which all sorts of charges were made, without the slightest foundation, for the purpose of exciting the passions. The right rev. Prelate was wrong in another portion of his statement, Mr. Nangle's complaint on the subject of Mr. O'Donnel's attending a procession. He would add a few observations on the subject and the other charge, which the report alluded to as disproved in the following words :—

> "The statement, however, now publicly made, 'that he had been dismissed from another employment for using treasonable, or at least, seditious language to the coast guards,' imposes upon him the duty of clearing his character by a proceeding at law against the author or publisher of the pamphlet; we have caused this to be intimated to him, and upon the issue will depend the course which we shall deem it our duty to pursue respecting him."

The whole case of O'Donnel, was about to be investigated by a jury in consequence of the action now pending against persons circulating the calumny, if calumny it were. An application had been made to the Court of King's Bench for a criminal information; but it was refused in consequence of its not being made within the limited time required by the law after the offence was committed. The right rev. Prelate now asked that House to anticipate the verdict of a jury. The right rev. Prelate said, that the Commissioners must have furnished the individual with the means of taking the steps he had. He (Lord Plunkett) did not know whether that was the case, but he knew that the man ought to have been supplied with means. Was a man in his circumstances to submit to a gross slander, to lose his situation, and to have no remedy, but to be told "Go to law?" You might as well say to him "Go to the moon," or any other impossible place. The next branch of the right rev. Prelate's attack referred to the alleged falsification of the passage in St. Luke. Now what the Commissioners stated was perfectly clear and true, that any person looking at the extract from St. Luke, and the passage alluded to in the authorised version, would say there were reasons why that passage should not be given out to be read by young persons — by young females; that however proper the passage undoubtedly was in its place in the Scriptures, it was not one which the father of a family, the director of a school, would wish to present to the eyes of young girls. Indeed he was altogether astonished at the right rev. Prelate adopting such a course in reference to this passage. The Protestant Bishops and clergy of Ireland, when applied to in 1826, by the Commissioners then appointed, to furnish extracts from the Scriptures, in furnishing extracts from St. Luke carefully left out the passage which the present Commissioners, the heretical Commissioners, were so vituperated for omitting. There was another fact; the society for the discountenancing of vice a peculiarly Protestant Society, in making extracts from the Scriptures invariably left out this passage. And it was equally left out in the majority of instances by the regular officiating ministers of the Established Church. He had only one remark to address to their Lordships on the subject of the actual working of the system. It appeared from the returns that the number of Protestants in attendance upon these schools was 17,874 and the number of Catholics 96,514. This certainly was a greater proportion of Protestants than the proportions of the population warranted. And was it not satisfactory to the right rev. Prelate to see 17,800 Protestants living amicably with their Catholic neighbours. It must be gratifying to every just mind to witness this state of things. Could it possibly be a disappointment to any one who wished well to the country? And under what circumstances had this state of things been brought about? Why under circumstances that, were the proportion of Protestants less by one-half, such a result could be easily explained. Noble Lords had heard of the resolution of the Grand Orange Lodge, which discountenanced the whole system, and the resolution that no Clergyman should be heard by his flock in the North of Ireland who should accede to the system. It was impossible to say to what an extent these resolutions had had the effect of depriving persons of the benefit of the system. It had also given him very sincere regret to see that the Bishops of the Established Church in Ireland and the Protestant Clergy—and no one more respected them, more commiserated them, or was more ready to protect them in the enforcement of their rights than he—he deeply regretted that the Protestant Clergy should have allowed themselves to be influenced to discountenance the system. He regretted very much to see the Protestant Clergy put forward to bear the brunt of the battle. When the Kildare-place institution was first started, the protestant clergy denounced it, because it professed liberal principles; but as soon as they found that the Catholics were adverse to, because they suspected it of proselytism, then the Protestant clergy were violent in its favour. Another question was, what means were applicable to Protestant education in Ireland and relieved Protestants from the necessity of having recourse to the schools under the board? There was Wilson's charity, with funds to the amount of 8,000*l.* a year, Erasmus Smith's schools with 5,000*l.* a-year the Blue-coat school 5,000*l.* a-year, Morgan's charity, 3,000*l.*, the endowed schools, 25,000*l.* the Hibernian school, 2,000*l.* and the Marine school 1,200*l.* These various institutions relieved Protestants from the necessity of availing themselves of the benefit of this Board; but the Catholics depended upon the voluntary contributions of their impoverished friends. The right rev. Prelate seemed to consider himself entitled to take an ample range beyond the limits of the present discussion for the purpose of making an attack. As all were agreed upon the propriety of forming this Committee, he could not help thinking that a part of that speech was directed to the object of swelling the no-popery cry which was raised in the country. Now, in order to supply an antidote, he (Lord Plunkett) would take the liberty of referring to what was not exactly out of the range of the debate — namely, a charge addressed by the right rev. Prelate to the clergy of the diocese of Exeter. He must take the liberty of saying that so unwarrantable a proceeding — such unwarrantable language — such unwarrantable sentiments as were embodied in that charge, he had never met with in any composition, lay or clerical, or so unconstitutional a proceeding as that of the right rev. Prelate. In the first place the right rev. Prelate assumed that the measures contemplated by the Government tended to the overthrow of Protestantism, and without the slightest mitigation, he fastened upon the Government a charge of evil intention in proposing those measures. Now what right had the right. rev. Prelate, because he, no doubt, entertained the conscientious opinion that certain measures were calculated to overthrow the Protestant religion, to say, that those who did not coincide in opinion with him, were guilty of perjury and violation of their oaths? If he (Lord Plunkett) were in any other assembly but that which he had the honour of addressing, he should be tempted to say, that it was the most audacious in any individual, because he happened to be of opinion that particular measures were calculated to do mischief, to say that every one who adopted these measures must be wilfully violating his conscience. He hoped he was as zealous an adherent to the Protestant faith, as the right rev. Prelate, and it was his firm and conscientious opinion, that these measures were calculated to support the Church, and were the only ones which would give it security. Then the right rev. Prelate made a charge against those Catholics of Ireland, who had been admitted into Parliament, that they had been guilty of a base perjury, because they had given their opinion upon certain questions. This was an imputation not only upon the Catholics, but it was a gross and unfounded imputation upon those Protestants who stood by and supported them; because, if the former had committed perjury, the latter, of course, were guilty of subornation of perjury, in availing themselves of their assistance. Had the right rev. Prelate thrown overboard the charge of mutilation of the Scriptures? He had, however, seen him march out of that House with a majority who had raised that cry, and persons who availed themselves of the instrumentality of others, were as guilty as the more open actors. He said it was grossly unconstitutional—it was a gross violation of all propriety, for any man to take upon himself to say, that the Commons of England—not merely the Government of the country—were guilty of perjury, or subornation of perjury. It was an impeachable offence. He did not wish to involve the right rev. Prelate in any more unpleasant consequences than the pamphlet to which he alluded, had brought upon him; but he must repeat, that it was an impeachable offence to say, that the Commons of England were guilty of perjury. But to say that a Bishop, in the discharge of the holiest duty which the Church imposed upon him—in addressing his clergy, and explaining what were the duties incumbent upon them, to think that in the discharge of these episcopal functions, the right reverend Prelate should make an attack upon the Commons of England, was quite out of character. What business had the right rev. Prelate to introduce politics at all on such an occasion? It was desecrating the sacred office which God had intrusted to him to charge the Government of the country, and the majority of the House of Commons, in an aggravated form, and unqualified language, with the basest perjury, because they had sanctioned and proposed certain measures. It was unexampled. There was no instance in the history of this country, of such a flagrant act being done by a Member of the Church of Christ. However, the right rev. Prelate had made some amends to the Catholic clergy whom he had attacked. He was impartial, for he had shown no great favour to members of his own Church. He had trespassed upon their Lordships' attention longer than he had intended. He would only say, in conclusion, that he entirely agreed in the opinions expressed by the most rev., the Archbishop of Dublin, and considered them calculated to allay those angry feelings which the acrimonious sarcasms of the right rev. Prelate might have produced.

The Earl of *Fingall* could not allow the phrase of the right rev. Prelate, as applied to the Roman Catholic clergy, that they were a "rabid priesthood," notwithstanding the difficulties and dangers with which they were surrounded, to pass without condemnation. The right rev. Prelate also asserted, that he did not believe the right rev. Dr. Murray had stated the facts on his oath. But that Prelate was known to be a man who had been respected in every situation he had occupied. There was another allusion made by the right rev. Prelate, which he set down to the account of the oath. He should be glad to know, was there ever to be an end to that charge. It was unfortunate that he and his friends, who for so long a period had been kept out of Parliament, when the Legislature had passed an Act, enabling them to take their seats, were accused of perjury for only doing their duty. He had not long been a Member of this House, though, unfortunately, he was not a young man, but he might have been many years ago a Member of the other House, if he could have taken the oath then necessary, which, however, he was prevented from doing by his conscientious scruples. With respect to the question immediately under consideration, having tried penal law in vain, they were now endeavouring to conciliate Ireland by the adoption of a different system. They had already advanced a considerable way, and this he would take on himself to assert, nothing had gone so far to conciliate the peasantry of Ireland as this very system of education. The right rev. Prelate had contended, that the Model Schools should not have been established in Dublin. What more proper place, however, than the metropolis of Ireland was there for the establishment of model schools? And the objection of the right rev. Prelate was, that the system was not founded on the principle of union—that it did not unite the Catholics and Protestants. He admitted that in his part of the country it did not; the Protestants would not go into the schools; but that was not the fault of the system; it was the fault rather of the recusants. He approved of the appointment of the Committee—the truth, he was persuaded, upon investigation, would come out, and if it were necessary to alter the system in some degree, it might then be easily effected.

Motion agreed to, and Committee appointed.

HOUSE OF COMMONS,

Tuesday, February 28, 1837.

MINUTES.] Bills. Read a first time:—County Bridges; Expenses at Elections.

RAILWAYS.] Mr. *Pease* moved the appointment of a select committee to inquire and consider how far it might be expedient to take measures for securing that the public lines of railway be laid and hereafter maintained at one and the same standard width, and to report their opinion thereon to the House.

Sir *H. Verney* moved as an amendment, that his Majesty be graciously pleased to appoint a royal commission to consider and report on all proposals for railways or canals which might be submitted to this House. He said it was his opinion that a competent body ought to be appointed to judge of the comparative merits of the railways, on the principle on which such authorities were appointed in France, Belgium, Holland, and other countries.

Mr. *Warburton* said, it was absurd to lay down one rule for all railways. He felt it to be his duty to oppose both the original motion and the amendment. In his opinion it was too late, after the number of railways that had been completed, or the works of which were far advanced, to attempt to enforce such a regulation as the hon. Gentleman contemplated.

Mr. *Gillon* did not think the proposal too late. He considered that the legislature were bound to interfere. These speculations, which were rising up so rapidly, were not for the public good, but solely for the benefit of the parties engaged in them.

Sir *G. Strickland* felt bound to oppose both the motion and the amendment. He was opposed to any royal commission having the power of riding over private speculations. After this point had been investigated by the committee, it was decided that no commission could be appointed, or one which could be in any way like that contemplated by the amendment. He thought that the original motion did not stand upon any better ground than the amendment.

Mr. *Poulett Thomson* could not agree to either of the propositions then before the House. With regard to the amendment, he was quite surprised to find it supported. Those who had given that support could not have read the report of the committee appointed last Session, or, if they had read it, they certainly must have attached but very little importance to it. The question of appointing a royal commission had been closely investigated by the committee, and it was found not to be practicable. The committee had recommended to leave railways, like every other speculation, to the discretion of those who embarked their capital in them, subject only to a severe scrutiny from Parliament. In that recommendation he most cordially concurred, and he hoped the House would set the seal of its approbation to the report of their own committee. He did not deny that capital had been thrown away upon these private speculations, but then they would find it impossible to regulate the expenditure of capital by any Act of Parliament. It was by the Government not meddling with capital that this country had been able to obtain a superiority over every other country.

Mr. *Hume* wished to know whether any advances had recently been made by the Exchequer Bill Commissioners. If there had, it was, in his opinion, only adding to the mischief that had been already done, by encouraging speculations that were ruinous to parties.

The *Chancellor of the Exchequer* replied, that except in cases where they had been already engaged by contract, he doubted that any other engagements had been entered into. In the early part of this Session he had intimated that parties concerned in railways ought not to rely on any such advances. He wished to leave such speculations to the private capital of the parties interested in them.

Both motion and amendment were negatived.

THE ROYAL MINT.] Mr. *Labouchere* stated, that in pursuance of the notice which he had given, he had to call the attention of the House to that department over which he had the honour to preside. Although the subject, or the details connected with it, might not appear to be very interesting, yet both were of considerable importance. He trusted, therefore, that the House would favour him with its attention for a short space of time. It would not be necessary to detain hon. Members for a very long time, because his principal object was, to endeavour to have an inquiry instituted into the establishment with which he was connected, through the medium of a select committee. In preparing a Bill upon this subject, it would be found that he was not prejudging any of the questions which the committee would have to determine, but rather that he had smoothed the way for them. One branch of the subject was the manner in which the expenses of the Mint were defrayed. What he proposed to do upon this point he had put together in a Bill, which he meant to ask leave to introduce that night. The average expenditure of the Mint, including costs for prosecutions, was 52,000*l.* a-year. His wish, then, was to submit to Parliament the estimates altogether which were in any way connected with the Mint, instead only of a small part of its expenditure. He considered the latter a very inconvenient mode. He proposed in his Bill to put a stop to this practice. He wished to put together all the sources from which the Mint was supplied, and to substitute one single estimate. This was certainly the most constitutional mode of proceeding. It was of the greatest advantage to the public service; and this he wished to have done—namely, that the amount of the vote for the Mint—that the whole of the items for the one service should annually be submitted to that House. He had stated that 52,000*l.* were defrayed for the expenses of the Mint. There were four sources from which that money was supplied to the Mint. The first of them was the manner in which the Master of the Mint was paid; and he could conceive that nothing could be more objectionable. The Treasury allowed the Master of the Mint for every pound weight of gold employed, the sum of 6*s.* 8¼*d.*, out of which he paid the expense of the coinage, and the master's fees of 1*s.* 10*d.* a pound, the surplus being carried to the account of the general expenses. This was the system still acted upon, and the 1*s.* 10*d.* upon every pound was said to constitute the master's emoluments. It amounted to a very large sum; in some years of a large coinage it amounted to as much as 12,000*l.* Some years ago a Bill was passed for regulating the salary of the master, but whilst it left all the old machinery, it merely enacted that the fees should continue to be paid to the Master of the Mint by the Treasury; that he should take out of them his regulated salary of 2,000*l.* with the one hand, whilst he should pay back with the other hand to the Treasury the surplus, amounting to 8,000*l.* Such a system as this produced a great confusion of accounts—it was useless; and he thought that a word could not be said in its favour. But, besides producing a great confusion of accounts, it had the effect of causing great mistakes as to what was supposed to be the expenses of the coinage; it led to considerable public mistake in this respect. He understood that since the year 1816 the repayment to the Treasury had not been less than 80,000*l.* He proposed entirely to abolish this system. He proposed that the salaries of the master and other officers of the Mint should be submitted to the scrutiny of a Committee of that House, and that they should entirely do away with the present cumbrous and useless machinery. The next source from which the expenses of the Mint were defrayed was derived from the Consolidated Fund, to the amount of 13,800*l.* yearly. This grant rested upon an Act of Parliament of the 18th of Charles the Second, and was applicable to the general purposes of the Mint. Wishing, as he stated before, that the whole of the expenses should be expressly defrayed in one simple manner, he proposed to do away with this grant altogether. He meant that it should no longer be paid out of the Consolidated Fund, but that the Mint should come to Parliament for a vote to supply any deficiency. He now came to the third source from which the expenses of the Mint were defrayed, and it appeared to him to be more objectionable than any of the other sources. What he alluded to was the manner in which the profits of the silver and copper coinage were applied to the general purposes of the Mint. The profits of the coinage had amounted since the year 1816 to not less than 500,000*l.* of money. The application of these sums, according to the present system, never came under the scrutiny of that House. It was completely veiled from the observation of the public. All that was known was, that it was supposed to be appropriated for the general purposes of the Mint. He must say, that the system was not only objectionable in this respect, but also inasmuch as a discretion was left to the Master of the Mint, without the control of the Treasury, to apply this money in any manner that should appear to him to be in any way connected with the Mint. This appeared to him to be exceedingly objectionable. It was proposed to repeal this Act, and that in future the Master of the Mint should pay the whole of the profits derived from the coinage into the Consolidated Fund. The fourth source from which the expenses were derived was by a vote of that House. It varied very much, as it of course depended upon circumstances. Last year it amounted to 16,000*l*. and the year before, it only amounted to 3,000*l*. As he before stated, he proposed to substitute this one mode for all the modes that had hitherto been adopted, and he would therefore have to propose a vote for the purpose in the present year, amounting to the entire of the expenses, namely, 52,000*l*. There was only one more point connected with this part of this subject, to which he felt it necessary to call the attention of the House. Any Gentleman who at all considered the nature of the Mint transactions, would be aware that it was necessary that the Master of the Mint should be, to a certain degree, a trader in bullion, it being necessary that he should purchase the gold, silver, and copper required for the coinage. In order that he might be enabled to do this, he must have in his hands a certain fund with which he might go into the market. The manner in which this fund had been hitherto obtained, was by the Master of the Mint detaining, in rather an arbitrary manner, any sum of money that remained out of the profits on the silver and copper coinage, and using it in the purchase of bullion. As Master of the Mint, he knew that there was, at that moment, in his hands the sum of 80,000*l*., which was actually being applied in this manner. It was proposed by the Bill, which he wished to introduce, to oblige the Master, instead of detaining this money, to pay it into the Consolidated Fund; and in order to supply the Master with the necessary means of carrying on the services of the Mint, he had introduced a clause to this effect:—"It shall and may be lawful for the Lords of the Treasury to make advances of money to the Mint, from time to time, for this purpose; it being compulsory on them, at the beginning of every Session, to lay upon the Table of the House an account of the whole of the money thus advanced, and the purposes to which applied." This, in his opinion, was the most expedient, the most constitutional, and the most regular mode of carrying on the necessary operation of the public services of the Mint. With regard to the details of the Bill he proposed to introduce, he would not at that stage trouble the House with any further observations, except to state that he thought it better to bring it forward than run the risk of delaying the question for another year, by first referring the matter to a Committee. So much for the Bill. It might, however, save the time of the House, and be more satisfactory, if, having stated what the Bill was, he should at once proceed to state the grounds on which he ventured to recommend the House to grant a Select Committee to consider this subject. What he had stated formed only a small and insignificant part of the business of the Mint, but he was bound to say, that, filling the situation of Master of the Mint as he had for two years, he could not think he should have performed the duty he owed to the public if he had not asked the House to institute inquiry into the manner in which that department was conducted. He begged, however, not to be understood as expressing any opinion of sweeping or general condemnation of the system. On the contrary, he was ready to admit, that many parts of that system were good, and this was proved by the fact that many foreign countries had actually adopted them. Still less did he wish it to be understood, that he meant to say anything in disparagement of the officers of the Mint. So far from it, he was bound to take that opportunity of declaring, that there could not be found men of greater respectability or higher professional honour; but, still, looking at the whole system, he did think that the subject was one which required grave and mature inquiry, in order to ascertain whether it would be advisable to make any further alterations in the system than those which he now proposed for adoption. The motion he should make was, and he begged particular attention to it, for "a Select Committee to inquire into the establishment of the Royal Mint, and the system on which the fabrication of the coin is conducted." He had paid particular attention to the wording of his motion, as he was naturally desirous that no mistake with respect to the object which he had in view should be entertained out of doors, or that it should be for a moment supposed that the Committee would have anything to do with the currency question. His object in proposing the appointment of a Committee had nothing whatever to do with that question, and therefore he hoped the Committee would not carry their inquiry beyond that which he intended. While he said this, it was far from his wish to exclude any inquiry the Committee might think fit to make on any subject relating to the Mint: but with respect to the standard, it certainly was not his intention that they should go into any such inquiry, and he did trust that they would exclude all investigation on that subject. He would not trouble the House with any further details. The Mint had, he might say, remained unaltered, as far as its constitution was concerned, from the time of Charles 2nd. It was true that, in 1816, when Lord Maryborough was Master of the Mint, some improvements were introduced, but then none that at all affected its main principles. The Mint consisted partly of establishment and partly of profits, but he was bound to say, that he did not consider the establishment too large, nor the officers at all over-paid. However, he admitted that some of the sources of emolument were of a nature to be a proper subject of inquiry. There were some of these sources of emolument which, from their nature, were open to suspicion, and liable to misrepresentation, and to which it would be especially the duty of the Committee to direct attention. There was one particular subject, however, which would mainly call for the attention of the Committee; he alluded to the system that at present prevailed, where the Master of the Mint entered into a contract with the moneyers. Now, he was exceedingly desirous that this part of the system should be closely examined into, and that was his main motive in bringing the entire subject under the notice of a Committee of the House. The present system was extremely ancient. The company of moneyers had exercised the privileges they at present enjoyed for a great number of years ; but he did not think that was a sufficient reason why they should be paid higher than that for which others would be found to do the same business. It was found that our coinage was more expensive than that of other countries, and it was a question worthy of inquiry and consideration, whether these men were able to maintain the Mint system in a proper state of efficiency, and with a due regard to that fair and proper economy which it was the public interest to promote. When he spoke of economy, he wished to be distinctly understood as repudiating that false system of economy which would cripple the efficiency of the Mint. What he meant by economy was, that they should endeavour to conduct the whole operations of the Mint in a business-like and efficient manner. He trusted, that during the recess of Parliament, he had employed himself so successfully as to be enabled to shorten the labours of the Committee considerably as respected the objects of their inquiry. He had exerted himself, and, as he thought, with effect, to procure very important information with respect to the state of the coinage of this country, as well as that of foreign countries, particularly of France and America. It was rather curious that, looking to those two countries, in both which the strictest vigilance and control were exercised throughout all the Government departments, yet, in respect to the coinage, they adopted systems totally and thoroughly distinct. In France, they carried the system of contract to a much greater extreme than in this country, whilst in America the coinage was conducted by a Government establishment, and wholly placed under its management and direction. It was calculated to embarrass the inquiry of the Committee, when they found in these countries two different systems prevailing, and both perfectly successful; but they would have the advantage of fully considering the ample information that would be brought before them, and thus be best enabled to come to the conclusion of what system could be applied in the coinage of this country, so as to secure its best, most efficient, and satisfactory operation. He would conclude by moving for leave to bring in a Bill to amend the several Acts relating to the Royal Mint.

Mr. *Hume* rose to second the motion, and was glad that the subject had been brought forward so early in the present Session. During last Session he (Mr. Hume) had paid great attention to this matter, and, had not the occupation of his time by other business prevented him, it was his intention to move for a Committee of Inquiry. He was, however, of opinion that such inquiries were always much more usefully conducted when suffered to remain in the hands of the department to which they related; and when a department was willing to undertake such an inquiry he was always much better pleased, for, in such cases, the public business was always better attended to. Now, if he had obtained a Committee of Inquiry last year, he should have been unable to obtain the important information which had been acquired through the exertions of the right hon. Gentleman. It had been properly stated that this inquiry would not interfere in any way with the public circulation of the country. He would now discuss whether they might not have a better coinage if greater facilities were afforded to private individuals. One advantage, however, would result from this inquiry, that public servants would receive a fixed and settled salary, and that they would receive no profit, directly or indirectly, or have no interest whatsoever, in the mode in which the business of the department was conducted, beyond the proper discharge of the duties that devolved upon them. They had set an example with respect to the officers of their own House, which he trusted would pervade all the departments of the public service, namely, that the public servants should be rewarded by fixed and settled salaries, and have no expectation or interest from fees of any description. He did not say that those Gentlemen connected with the department now under consideration were entitled to particular blame for having received considerable sums of money—they were only emoluments taken in the ordinary course of their service; but, however blameless the individuals, the system was not the better. It was satisfactory to hear it stated that there was no disposition to interfere with the present standard of value, the certainty and stability of which was so necessary to the public interest. It would be their object to consider how they could adopt a system most conducive to the public interests in general, and to the commercial interests of the country. Until the Committee could come to the conclusion of their inquiry, it would be premature to discuss whether they ought to depart from the contract system or not; but he would repeat his satisfaction that the inquiry was about to take place, and he had no doubt that it would be followed up by a satisfactory and practical result.

Mr. *Clay* wished to ask the right hon. Gentleman whether in the Bill he proposed to make a provision for that remuneration to the moneyers which they at present received under the contract system in the shape of a per centage on the amount of coin? He understood that it was intended by the Bill to do away with the per centage, and to place the whole department under the management of the Exchequer.

Mr. *Labouchere* said, that the sole object of the present Bill would be to get the money from the public by a vote of the House, instead of from other sources; but the present measure did not propose to interfere with the mode of payment of the officers of the Mint, which would remain unaltered. But with respect to the inquiry before the Committee, it would of course be competent for them to inquire into every part of the entire system.

The *Chancellor of the Exchequer* said, that it was unnecessary to say, that the present measure had the sanction of the Government. He was exceedingly gratified that this motion had been brought forward, although in the present very thin state of the House it might not receive that attention to which from its importance it was entitled. The subject which had been introduced by his right hon. Friend was one to which for a long time he had paid particular attention. His right hon. Friend had been anxious to bring forward the subject last Session, but had been induced not to take that step, because it was thought that they could come to the examination of the whole subject much more advantageously, and with fuller information, in the present Session. It was most material to apply the most improved, safe, and economical principles to the management of all public departments. The present system under which the Mint was conducted, was a most complicated and unsatisfactory system. It was a complicated, difficult, operose, and unintelligible system. Indeed, he might say, that the business of the Mint was conducted in an unconstitutional mode. They were desirous to substitute the simple mode of a vote of Parliament of the necessary sums, and the introduction into the management of the Mint of the same principles as were applied to the management of all the other public establishments connected with the Government. He wished it to be understood with respect to the inquiry before the Committee, that it was their intention to confine that inquiry strictly within the bounds prescribed by the order of reference, and expressed in the speech of his right hon. Friend. Let it not be supposed that, because they were about to enter upon this inquiry, they had any disposition to open the question of the standard of value. The present inquiry had no more connexion with the standard of value than an inquiry into the mode of conducting the business of the Admiralty, or any other of the public departments of the country.

Motion agreed to, and Bill brought in and read a first time.

A committee moved for by Mr. Labouchere was appointed.

MORTGAGES ON SHIPS AND VESSELS.] Mr. *George F. Young*, in moving for leave to bring in a Bill to amend the law relating to mortgages on ships, as he understood his motion would not be opposed, felt disposed to limit himself to a brief exposition of the evils of the present system and of the remedy which he proposed to apply. Up to the year 1825, the state of the law as to the security of money advanced on mortgages of ships was very defective. In that year Mr. Huskisson (whose great abilities he willingly acknowledged, however he might differ from some of his views) brought forward a series of measures affecting the commerce of the country, and the maritime commerce more especially. He proposed a Bill for affording greater facilities in raising money on ships, and he thought that he was thus affording an advantage to shipowners. Now, so far from this measure having been found beneficial, it was the source of great evil and of very great disadvantage. The operation of the Bill was this, that it enabled persons without capital to become owners of ships, which ships they afterwards mortgaged, and by the facility of obtaining credit thus afforded, persons without capital were enabled to enter into the wildest speculations, to an extent injurious to the security of the capital of the prudent man engaged in the maritime commerce of the country. The shipowners, and those for whose benefit this measure had been intended, complained of it as a source of very great evil. The system that at present prevailed was productive of frauds of a very extensive description on those who, as tradesmen, were connected with the building and equipment of ships. Now, in the measure which he proposed, for the purpose of putting an end to this system of fraud, he was anxious that no difficulty should be thrown in the way of obtaining money on mortgages of ships by *bona fide* owners, who might happen to be in a state of temporary embarrassment. The principle of the measure he wished to propose was, that every man should be free to obtain money on that which was really his own property; but that no person should be permitted to hypothecate that which was not his own, or obtain credit on the property of others. He would not at present enter into the details of the measure, which would be the subject of future consideration. He had the satisfaction of stating that his hon. Friend, the Member for the Tower Hamlets, concurred in the advantage that would result from this measure, and he could appeal to the opinions of the hon. Member for Whitby, who had given notice of a motion on this subject in the course of the last Session. He could, in conclusion, give the fullest assurances to those connected with the shipping interests of the country, that the measure he proposed to introduce was one calculated to cause them no alarm. The hon. Member concluded by moving for leave to bring in the Bill.

Mr. *Poulett Thomson* said, that it was not his intention to offer any opposition to the motion. He believed that such a measure was necessary, and when it came before the House, he would give it every consideration in his power. When the Bill of 1825 was brought forward he was not in Parliament, but he believed that it was brought forward with the concurrence of the shipowners, who thought that it would confer a particular benefit on themselves. He believed, however, that they entertained a different opinion now. It was right, however, that all parties interested in the question, should have full time to consider the plan proposed. He hoped, therefore, the hon. Member would give full time for the consideration of the measure; and, so far as he (Mr. Poulett Thomson) was concerned, he would give to the arguments of all parties interested, both for and against the measure, the fullest attention in his power.

Mr. *George F. Young* said, that he proposed in the first instance to introduce the Bill and have it circulated generally through the country, so as to enable all parties interested to express their opinion of the measure.

Leave given.

MILLBANK PENITENTIARY.] Mr. *Fox Maule* moved for leave to bring in a Bill to amend the Acts for the regulation of the Penitentiary at Millbank. He did not think it necessary to go into any detail, but if any explanation of the proposed measure was required he was ready to afford it. The object of the Bill was to repeal several of the old Acts.

Mr. *Hawes* expected, that the hon. Gentleman would have afforded the House some information as to whether this measure proposed any alteration in the present system of prison discipline. There was another point of importance, on which information was desirable, namely, with respect to the cost of maintaining prisoners. In respect to this expenditure, sometimes it was high and sometimes low, and he hoped that some attempt would be made to effect an uniformity of system. There was another very important subject, namely, the proper treatment of juvenile offenders. There were no less than 3,000 children passed through the gaols of the metropolis in a very short period of time, and he had no doubt they came out worse than they went in. He felt bound to say, without meaning to cast an imputation on any particular individual, that the office of Secretary of State for the Home Department was an office that did very little good. There was far less attention paid by that department to the criminal jurisprudence of the country than ought to be expected from an office so constituted and so well paid. Now, he would refer to the prison of Newgate, which was disgraceful. There had been some improvement in the shape of building additional cells, but with that exception the recommendation of the Commissioners seemed to be as far as ever from being carried into effect. He had introduced the subject unexpectedly. Perhaps the hon. Gentleman was not prepared to give any information on those points, and if that was the case he would have no objection to wait for the second reading of the Bill, when he would be prepared to enter into the entire subject.

The *Chancellor of the Exchequer*, in the absence of his noble Friend, the Secretary for the Home Department, wished to say a few words in reference to what had fallen from the hon. Gentleman. He quite agreed as to the importance of those subjects to which the hon. Member had referred, but the hon. Gentleman was quite mistaken if he supposed, that a remedy for those evils could be found and applied so easily as the hon. Gentleman had imagined. Now, with respect to the subject of prison discipline, the first step they should take was to be certain of the facts: and, as regarded secondary punishments, they should endeavour to ascertain how far public opinion would go along with them in any system they might adopt, and whether from want of support in that respect the remedy they would employ would not be exposed to failure. There were many other difficulties that beset that part of the question. He could state, on the part of his noble Friend, the Secretary for the Home Department, that the subject of adopting some better system with respect to juvenile offenders, had not escaped the attention of the Government, and that his noble Friend was prepared with a plan on that subject, which he hoped to be able to carry into effect. As to the state of Newgate, it was generally admitted, that the condition of that prison called loudly for a remedy, and one of the objects of this Bill, was to prepare for carrying into effect the recommendation of the Commissioners, both with regard to the improvement of that prison and adopting some better system towards juvenile offenders. With respect to the duties of the Home Office, when the hon. Member spoke lightly of those duties he was much mistaken. He might say, that he had served an apprenticeship in that Department and he could state, that there was always much to be done in it of great importance, and much, too, which never came under the notice of the House. Independent of its other duties the Home Department was an office of reference for the magistrates and judges, and perhaps the best proof of the efficient manner in which those matters were attended to was, that they so seldom came under the notice of Parliament. With respect to inattention to the criminal jurisprudence of the country, he could say, that there was now on the notice-book a notice for the introduction of the largest measure of criminal law reform that ever came before the consideration of the House. He would not anticipate the discussion of this measure, but when it was brought forward he was sure that the House would give it its best consideration. That measure would lay the ground for the adoption of secondary punishments, for an improvement in prison discipline, and a total alteration of the system with respect to juvenile offenders.

Alderman *Wood* said, that the hon. Member for Lambeth seemed to have a particular taste for finding fault with the prison of Newgate. He did not know whether the hon. Member had been there since he became a Member of that House. At present every effort was making to enlarge that prison, and afford an increase of accommodation, and nothing had been left undone by the Court of Aldermen to bring that prison within the plan of the Secretary of State, so far as the separation and accommodation of untried prisoners. For this purpose several new cells had been made. The expenditure in this respect had been greatly increased since Middlesex, Kent, Surrey, and Essex had been added by the new Criminal Court Act. As to juvenile offenders, the increase of boys in the prison of Newgate was very great. Most of the children were sent in by their parents. They were generally committed for stealing some trifling matter from their father or grandfather, or some one else, and sent to Newgate. He thought it would be a great improvement to have a summary jurisdiction and to punish children in a summary way, and not let them remain in prison. This jurisdiction might be exercised by the Government or some other proper authority. He had heard much of the benefit of educating children; but many children who were in prison knew how to read and write, and many of them for new offences were sent to gaol a second time. They might continue to keep up this Penitentiary. Sometimes it was filled and sometimes empty. When it was filled disease broke out there. Yet there was no complaint of the Penitentiary—all the blame was reserved for Newgate, and he believed for no other reason than because that prison was under the government of a set of magistrates who were not popular in that House. He must condemn as one of the sources of the evil, the system of allowing convicts to remain in the prison of Newgate for a long time under sentence of death until their convictions were reported to the King in Council. There were prisoners at present who had been capitally convicted three sessions ago, and who would not be reported to the King in Council until to-morrow. He thought this was an absurd procedure, and that a record of their conviction should be sufficient, as was the case in the several counties of England. He believed that at one time the hon. Member for Lambeth had a desire to be called to the Court of Aldermen. He was a member of various courts in the City and from the activity which the hon. Member had displayed since he came into Parliament he had no doubt that if he was a member of the Court of Aldermen he would be of valuable assistance in reforming the prison of Newgate. He did not see why the prison of Dartmoor was not made use of for the purpose of lessening the number of inmates in Newgate. That prison was situated in a most healthy spot, and he did not know why it had been abandoned. He did not think that they ought to allow a convict to remain in Newgate a single day after his sentence had passed. They had done all in their power for the improvement of Newgate, unless it was supposed that, for the accommodation of Surrey, Middlesex, or Kent, they were to expend the entire funds of the Corporation.

Mr. *Fox Maule* rose to repudiate the charges that had been urged against the department to which he belonged. With respect to secondary punishments and juvenile offenders, the first clause of the Bill he proposed to introduce, enacted that the Secretary of State for the Home Department should have the power to order the removal of convicts from Newgate to the Penitentiary, with the view of adopting secondary punishments. The Secretary for the Home Department had given the utmost attention to the reduction of the expense of this establishment, and in the estimates for the present year there would be found a reduction of 2,000*l.* in that respect.

Leave given to bring in the Bill.

HOUSE OF COMMONS,

Wednesday, March 1, 1837.

Imprisonment for Debt.] Sir *W. Follett* had a question to put to his hon. and learned Friend, the Attorney-General, arising out of a petition which he then held in his hand. The petitioner was the keeper of the Sheriff's Gaol, in the city of Exeter. If his hon. and learned Friend's

Bill were passed into law, the petitioner would be deprived of his office, and of all the emoluments attached to it. Now, he wished to know whether his hon. and learned Friend intended to introduce any clause into the Bill giving compensation to individuals in the situation of the petitioner?

The *Attorney-General* said, that although there was no such clause at present in the Bill, it was only fair that a clause should be introduced into it giving compensation to parties who would be deprived of emoluments under its operation. He had found it, however, very difficult to draw the line between the cases in which compensation ought to be granted, and those in which it ought not. If a general compensation clause was introduced, every sheriff's officer who now obtained a living by placing his claws upon unhappy debtors would claim compensation for the loss which he sustained by the destruction of his occupation; at the same time, individuals in the situation of the Marshal of the King's Bench and of the Warden of the Fleet, ought to receive compensation. He should be glad of the assistance of his hon. and learned Friend, the Member for Exeter, to draw the line, which all must allow to be necessary. The hon. and learned Gentleman moved the Order of the Day for the Committee on this Bill.

Mr. *M. Philips* had, on a former occasion, applied to his hon. and learned Friend, the Attorney-General, to postpone the second reading of this Bill; but he had been unsuccessful. He now, at this stage of the Bill, repeated his application, in order that the trading part of the community might have an opportunity, which they had not yet had, to consider the Bill.

The *Attorney-General* replied, that the Bill was substantially the same as that which had been introduced three Sessions ago, and successively in each Session since then. The Bill had now been three years before Parliament; and doubtless, if, in the present year, there existed any objection to it on the part of the Chamber of Commerce of Manchester, the hon. Member who spoke last must have heard of such objection. The Bill had been very generally circulated during the period that had elapsed since its first introduction, and in the present year there had been no petitions against it. He hoped that it would not have to encounter any further opposition.

Mr. *Richards:* I am sorry, in the discharge of my duty as a Member of this House, to be obliged to oppose the further progress of this Bill. The learned Attorney-General, doubtless, from a sense of duty, and not from any desire to obtain a bad popularity, has thought fit to bring forward a Bill similar to the Bill of 1835, for extending the remedies of creditors against the property of debtors, and for abolishing imprisonment for debt, except in certain cases of fraud. The present Bill does not propose to create the same immense amount of Ministerial patronage as the former Bill, nor does it go to erect, as the former Bill did, an irresponsible inquisition in every district of the kingdom. But, under the pretence of improving the law of debtor and creditor, and from those feelings of mistaken but benevolent kindness, and unbounded philanthropy for which he is conspicuous, the learned Attorney-General will by this Bill, if it pass into a law, inflict the most serious injuries both on creditors and debtors. The House will see that the question at issue is not whether arrest and imprisonment for debt, or for offences of any kind, be, abstractedly considered, an evil. I admit, that punishment of any kind or in any degree abstracted from all consideration of its object, is an evil. It is an evil in the case of a person convicted of forgery, to tear away the offender from his family and friends, to deprive him of liberty, and to carry him, at a great expense, 10,000 miles distant to another country. It is an evil to deprive a felon convicted of murder of his life. These are evils; but you consent to inflict them for the sake of preventing evils immeasurably greater—viz., those that would arise from insecurity of person and property. You inflict the punishments I have named in order to prevent forgery and murder. But it is alleged, that the power of arrest and imprisonment for debt is sometimes abused; and that persons have, in some instances, been arrested and imprisoned for fictitious debts. Now, I am quite ready to make any such arrest and imprisonment highly penal. But I contend, that an occasional abuse of the power of arrest and imprisonment is no valid reason for the abolition of this power. The real question before the House is this —not whether arrest and imprisonment for debt are, in the abstract, evils, but whether to abolish them would not lead to much greater evils; and particularly, whether the Bill now brought forward by the learned Attorney-General would be any improvement on the law as it now stands. As the law now stands, a creditor may either serve his debtor with a copy of a writ, which is merely commencing an action, or he may arrest the person of the debtor and hold him to bail. If the action proceed, and the creditor obtain judgment, he may then take out execution either against the goods or the person of his debtor. Now, I believe, that creditors are almost always extremely lenient; I believe, also, that the fear of arrest and imprisonment is productive of the greatest good: it operates as a check to idleness, improvidence, and fraud. But for this wholesome fear, the industrious would frequently become idle; the provident, thoughtless and negligent; and the honest, cunning and fraudulent. To remove this fear would alike injure the debtor and the creditor. The mere diminution of this fear, by constituting the Insolvent Debtor's Court, has created a gigantic and fearful mass of immorality, injustice, perjury, and fraud. But, supposing that an unfortunate debtor meet with, what is exceedingly rare, a hard-hearted creditor—why, in this case, such debtor may, as the law now is, either become a bankrupt or take the benefit of the Insolvent Act. Why, under this Act, unless fraud be proved against a debtor, he can get discharged on an average of time in about two months. What then becomes of the loud complaints and eloquent harangues of hon. Gentlemen against the hardship and cruelty of imprisonment for debt? But the learned Attorney-General proposes, by this Bill, to take away from creditors the power of arrest and imprisonment; and I will, therefore, proceed, with the leave of the House, to consider what it is that he offers instead of it. This Bill is an attempt to provide for the creditor remedies equivalent to arrest, as a consideration precedent to the abolition of arrest; and is, in that respect, specious but delusive. No such equivalent can, in the nature of things, ever be provided. Our present law proceeds upon this principle:—Secure the person of the debtor, and you will then have him co-operating with the creditor to take an account of his own property, and to make it available in discharge of the debt. If this be done, it becomes superfluous to give the creditor a direct recourse, as this Bill proposes to do, upon the funded property, debts, &c. The indirect recourse by imprisoning the debtor himself is incomparably more effectual. It is true, in some instances, that debtors are found to remain in prison rather than discover their property; but this evil has been grossly exaggerated. Such cases are very rare, and are almost always connected with insanity, or some peculiarity of temperament bordering on insanity, against which no legal provisions can effectually guard the public. Such being the present state of things, this Bill in effect proposes to take from the creditor that indirect but most stringent remedy he now possesses, and to bestow upon him in lieu of it a direct one of little value. It gives him the power of resorting to money in the funds, debts, copyhold land, and other property, which he cannot now seize; but to what good purpose, if the discovery of these is withheld by the debtor? When this occurs, as undoubtedly it often will, the learned Attorney-General's recipe is,—first, to make the debtor deliver a schedule of his effects; that schedule will, of course, always be imperfect and delusive. It is not even required to be on oath, and I think it ought not, for that would be an irresistible temptation to perjury. Creditors dissatisfied with this, are then to obtain from the Court of Review (if they can show sufficient cause) an order for examination on oath before Commissioners. But we know by the experience of the Insolvent Debtors' Court how baffling such examinations invariably are, and how easily they may be evaded by a dexterous or unscrupulous defendant. It is enough to say, that the assets realised to creditors in this court do not amount to three farthings in the pound. Besides, who is to pay the costs of this proceeding, and of those previous investigations into the state of property, without which the examination would be a farce? Who is to pay the attorney and counsel, without whose assistance nothing could be done? Why, the creditor himself in the first instance, and often without reimbursement; for though the Bill provides that the costs shall be added to the debt, this would generally be throwing good money after bad. Besides, the costs here referred to are the costs of the mere examination, and which would be a very small part of the expense. But observe, that this remedy (ineffective as it is), and indeed the whole system of remedy newly provided by the Bill, is intended for the judgment creditor only. A man is first to obtain his judgment, and then he may go to work by the methods proposed to render his judgment available, if he can. But where is the equivalent for the power he now possesses of preliminary arrest, which everybody acquainted with the subject knows to be infinitely more important than that even of arrest in execution? The Bill does not even pretend to offer any equivalent here; for the power proposed of arresting a debtor about to abscond, cannot be intended, of course, as an equivalent, but only as a means of redress in particular cases. It is, however, utterly futile. If not connected with the provision of throwing the burthen of proving the intention to abscond on the creditor, it would be highly objectionable in another way; for as it does not require creditors to specify the grounds of belief, it would be a snare for the conscience of the party swearing, and the oath would be taken almost as a matter of course, whether there was really any ground of suspicion or not. But as connected with the provision I have referred to, the remedy is worth nothing. Every professional man knows perfectly well (and nobody better than the learned Attorney-General) that if the creditor is to be at the peril of an action for false imprisonment, unless he can prove probable cause to the satisfaction of a jury, he will never be advised or allowed by his legal advisers to arrest an absconding defendant, except under circumstances of avowed or demonstrable intention to leave the realm. It follows, then, that the invaluable privilege of arrest before judgment, is, in effect, rescinded without any equivalent; and it would certainly be quite as well not to make a show of giving one; for no equivalent can exist while human nature remains as it is. Let any hon. Gentleman read the copious and convincing evidence subjoined to the Common Law Report, as to the preventive effect of arrest before judgment, and the practical efficacy which in that, as well as in other ways, is found to belong to it, and decide for himself, whether the learned Attorney-General is not meditating great mischief to the public? And why is all this to be? What is the necessity for it? Have the manufacturers, the traders, the merchants, and the bankers, petitioned this House for such a Bill? I will not suppose that the learned Attorney-General is incited by a vain desire for popular applause, or that he has given a pledge to the needy writers of paragraphs, which he thinks, he must redeem. He is, doubtless, actuated by higher and better motives. But the only real evils that attend the present system, may easily be prevented at less cost. They do not require that you should pull down the whole edifice. It was not left for the Attorney-General, or for these times, to discover that arrest is an evil; but our forefathers thought it a necessary evil, or one more than repaid by its numerous and great advantages. This is not one of those subjects on which our ancestors thought superficially, or were placed at disadvantage from their ignorance of any modern discoveries, as they are supposed to have been on certain points of political economy. The whole case was before them, and frequently and elaborately discussed; and they decided to retain arrest and imprisonment for debt. It is remarkable, that in ancient Rome, freedom from arrest was a favourite object with the Radicals of that day, but was always opposed by the Senate, who would no more consent to it, than they would to an agrarian law for the equal division of property. But where the legislators of other days found so much to embarrass them, the Attorney-General rushes in, without even a suspicion, apparently, that there is any difficulty to be surmounted. I ask the House whether the evidence taken by the Common Law Commissioners, will warrant the passing of this Bill? What are the facts? Of 445 bankers, merchants, barristers, attorneys, and traders, only sixty-one expressed any opinion favourable to the abandonment of arrest in execution, and few of these sixty-one spoke positively. Again, it appears that in every state in Europe, except Portugal, arrest in execution is allowed. Further, eighteen out of twenty-three foreign jurists have expressed opinions against the abolition of arrest in execution. The weight of evidence, therefore, is decidedly against this Bill. Nor do the sentiments expressed by the four Commissioners who signed the report, go to the length of recommending such a Bill as this. Far from it; and the supplementary paper published by Mr. Sergeant Stephen, dissents in the strongest manner from the rash and unadvised conclusions on which this Bill is founded. It is true that the hon. Member for Lambeth, as the *fidus Achates* of the learned Attorney-General, has stood forth prominently to defend this Bill. But, with great deference to his talents, his authority, I think, will hardly outweigh that of the host of persons I have spoken of. Upon minor and subordinate points, the Bill is full of objections. For example, it throws upon judges at chambers an enormous load of collateral business, in addition to their present duties there, which are already arduous enough to encroach materially on their proper province in court. Indeed, I expect that there will be no more anxious opponents of this Bill, than the judges themselves, when their attention is called to its enactments. The learned Attorney-General no doubt means well, but I would respectfully entreat him to lay aside his rash and unadvised endeavours to improve the law of debtor and creditor. He must be aware, that change for the sake of change is seldom good—that the experience of ages ought not rashly to be despised; and that a man may have a competent knowledge of law, and be well skilled in its administration, without possessing that rare sagacity, and that sound and comprehensive wisdom, which are necessary for the business of safe and good legislation. Sir, believing as I do, that this Bill is totally uncalled for, that its object by such means cannot be attained, and that its provisions are in the highest degree fraught with injustice and danger. I protest against it, both on the part of debtors and creditors, to whom it would be alike injurious; and I move that, as regards this Bill, the House go into a Committee this day six months.

The House divided on the original question:—Ayes 95; Noes 0.*

House in Committee on the Bill. On the 12th clause,

The *Attorney-General* moved an amendment, restraining its operation to persons who would be subject to a *capias ad satisfaciendum* at present, and exempting therefrom persons having privilege of Parliament.

Mr. *Jervis* considered that this amendment would indirectly sanction, the continuance of a principle which he deemed highly objectionable, and should therefore think it his duty to divide the House against it.

The *Solicitor-General* said, it appeared to him absurd that they should introduce into a Bill abolishing imprisonment for debt, any provision which might have the effect of abolishing the privilege of Parliament.

Mr. *Lynch* did not think that by supporting the amendment, he should sanction the privilege of freedom from arrest, but he felt himself bound to do so, from considering the present state of the law on that point.

The *Attorney-General* observed, that the law, as it at present stood, required a property qualification for Members of Parliament, and guaranteed to them freedom from arrest. If the hon. Member disapproved of this part of the law, he might introduce a measure, having direct reference to it, but the object of the amendment was to assimilate the Bill as much as possible to the existing law.

Mr. *Richards* maintained, that so far from allowing Members of Parliament to plead privilege for non-payment of their debts, they should, of all others, be most amenable to the law of the land in that respect.

Mr. Sergeant *Wilde* opposed the amendment. If the object were merely to preserve the privilege of Parliament, the words proposed to be inserted were unnecessary, and might be dangerous. They would, he contended, raise a collateral argument in many cases against privilege of Parliament.

The *Attorney-General* said, the question was assuming privilege of Parliament to continue, whether or not the words were necessary. If they were not introduced, the person of a Member would be subject under the provisions of the clause to a *capias ad satisfaciendum.*

Viscount *Sandon* was not inclined to push privilege of Parliament as far as the Attorney-General. Privilege of Parliament should not apply where fraud or crime had been committed, and the provisions of the clause contemplated such cases exclusively. It had been said, that the power of arrest might be used for political purposes, on the eve, for example, of an important division. But a series of steps had to be taken, which must necessarily occupy some time, before a Member could be deprived of the power of attending his duty in Parliament. He could not be taken by surprise; the power, therefore, was not likely to be employed to impede the deliberations of that House.

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* The amendment was pressed to a division against Mr. Richards's wish, who actually voted with the majority against his own motion.

Mr. *Tooke* thought it would be unworthy of Members to avail themselves of the protection of the amendment proposed by the Attorney-General, for the purpose of cheating their creditors. The power could only apply where fraud was intended, the debtor having refused to deliver his schedule, and answer the questions put by the Commissioners.

The *Solicitor-General* hoped the hon. and learned Member for Chester would not persevere in his opposition, and endeavour by a side wind to effect a most material alteration in the law of the land with respect to privilege of Parliament.

Mr. *Jervis* objected to qualification and to privilege of Parliament altogether, and must therefore persist in his opposition.

Mr. *M. Philips* thought the hon. and learned Member for Chester had taken the common sense and just view of this question, and he hoped, if he were unsuccessful on the present occasion, he would not be deterred from bringing in a Bill to abolish privilege of Parliament altogether.

Mr. *Aglionby* did not think the amendment would extend privilege of Parliament further than it existed at present, but, objecting as he did, to its principle, he should vote with the hon. Member for Chester.

Mr. *Freshfield* understood the leading object of this Bill was, to give the utmost facilities for following the property of debtors; and the person of Members of Parliament not being subject to arrest, why should their property not be made equally chargeable with that of every other class of his Majesty's subjects?

The Committee divided on the Attorney-General's motion:—Ayes 54; Noes 51: Majority 3.

Remaining clauses agreed to, the Bill to be reported.

HACKNEY CARRIAGES (METROPOLIS) BILL.] Mr. Alderman *Wood* moved the second reading of this Bill.

House counted out.

HOUSE OF LORDS,

Thursday, March 2, 1837.

MINUTES.] Petitions presented. By Lords SHAFTESBURY, REDESDALE, ASHBURTON, the Bishops of ROCHESTER, EXETER, the Marquess of DOWNSHIRE, the Duke of WELLINGTON, and the Earl of VERULAM, from several places, against the Abolition of Church Rates.—By Lords BROUGHAM, RADNOR, and several other noble Lords, from various places, for the Abolition of Church Rates.

HOUSE OF COMMONS,

Thursday, March 2, 1837.

MINUTES.] Bills. Read a first time:—Law of Libel; Freemen's Admission; Penitentiary, Millbank; Post Office Acts Repeal; Post Office Offences; Franking; Post Office Management; Benefices Plurality; Public Walks; and Public Houses Regulations.

POST-OFFICE REGULATIONS.] Mr. *Labouchere* rose to ask the leave of the House for the introduction of several Bills, to consolidate the laws relating to the Post-office. Those laws were now scattered over the Statute Book. There were 141 Acts, or parts of Acts, relating to the Post-office—they were so numerous, and so scattered, as to lead to great inconvenience to the public, as well as to the department which they regulated. He thought, and had long felt, that it was extremely desirable that those Acts should be consolidated, and so arranged as to be easily understood, and of easy access. He felt it his duty to the authorities of the Post-office, and more particularly to that very intelligent and valuable officer of the establishment, Mr. Peacock, its solicitor, to say, that when the Commissioners turned their attention to this subject, they found that the Post-office authorities had already given it so much consideration, that little more remained to be done than to submit these Bills to the House. The Government had long felt the necessity for such a consolidation of the laws, and he believed the reason of the delay had been a fear, on their part, that as the Bills must comprise every point relating to the management of the Post-office, they would lead to much discussion, and would, therefore, interfere with the progress of more important Bills. He had felt so strongly the force of that objection, that, notwithstanding his extreme desire for a consolidation of those laws, he should not have felt himself justified in introducing the Bills, had he not communicated with those gentlemen who usually took part in the discussions relative to the Post-office, and had their assurance that they would consider them as Bills merely for consolidating the laws, and as not interfering with the other matters already before the House relative to the Post-office. The Bills which he proposed were four in number. The first was simply to repeal all previous Acts relating to the Post-office. The second was to regulate the criminal laws relating to the Post-office. The third related to the management of the Post-office, and the rates of postage; and the fourth to the privilege of franking letters. He had stated, that the measure he proposed was one of mere consolidation, and that it contained no substantial alteration. At the same time, in that which related almost entirely to the criminal law, he believed there was no difference of opinion, as to the policy of the alterations which he meant to propose. He was therefore desirous of stating these alterations. This Bill related almost entirely to the differences existing between the punishments for the same crimes in the English and Irish Post-office. A very much heavier penalty attached to some offences in England than in Ireland. Offences to which the punishment of death attached in Ireland, in England were considered only misdemeanours. He was sure the House would not longer allow these differences to remain on the statute-book, and he therefore proposed to alter the criminal law in this respect. The offence of robbing the mail-coach, or of stopping it with intent to rob, was punishable with death in Ireland. In this country the punishment was transportation for life; and he proposed that this penalty, in future, should attach to the offence in Ireland as well as in England. He proposed also, that the offence of stealing a letter, or opening and detaining it, should be visited with the same punishment in Ireland as in Great Britain. There was one other point of difference relating to the two countries—namely, the privilege of franking enjoyed by the Irish Members and the English Members. He proposed, in future, that the privilege be assimilated. He would conclude by moving for leave to bring in a Bill to alter the criminal law relating to the Post-office.

Mr. *Wallace* seconded the motion. He could assure the House, that after a most anxious inquiry into the laws, it was now proposed to consolidate, he was convinced that this was one of the most beneficial measures that had been brought before the house for a long series of years. The laws upon this subject amounted in number to 160 or 164, he could not say which, as they were in such a state of confusion, as to render it almost impossible to determine which had been repealed, and which had not. He thought great good would be effected by making one or two good laws out of the whole.

Mr. *Hume* thought it was of no use to pass laws, unless there was an efficient executive to carry them into effect. The Chancellor of the Exchequer, last year, had introduced a Bill for the purpose of altering the executive of the Post-office; that Bill passed that House with little or no opposition, but in another place it was thrown aside, on the ground that they had not time to attend to it. It was of great importance that the change in the Post-office proposed last Session, if it were to be introduced this Session at all, should be introduced as soon as possible. The proposition was, to place the executive in Commissioners instead of one Postmaster-General, who was a Peer, and had too much to do elsewhere, to enable him to attend to the affairs of the Post-office. He (Mr. Hume) did not think that there would be much advantage derived by having the head of the Post-office in the House of Commons; but he was unwilling to throw any difficulties in the way of the plan of the Government. He hoped that the Chancellor of the Exchequer would state that he intended speedily to introduce the Bill, so that it might have full consideration in the other House, and not be rejected under the plea, that it was sent up there at a late period of the Session. There was no department of the public revenue that required so much attention as the Post-office. The amount of revenue derived from the Post-office was the same indeed as it was fifteen years ago, which could only be attributed to great neglect and mismanagement. It was therefore due to the country, if the Post-office were to be made a source of revenue, which he thought a bad principle, that it should be rendered as advantageous as possible. He trusted they would soon have a Post-office executive, which would render that department efficient for the purposes for which it was established, and productive of profit—at present it was neither.

The *Chancellor of the Exchequer* adhered to the opinion which he had expressed last Session, that the Post-office department, in its present state, was defective. He admitted also, that in order that measures of this kind should be brought to a satisfactory conclusion, they ought to be introduced at an early, not at a late period, of the Session, in order to give time for their consideration in another place; and, without pledging himself to the details of the measure, he would state, that it was the intention of the Government to introduce a Bill, in a few days, on the subject.

Leave was given to bring in the Bills.

Stamp Duties — Marine Assurances.] Mr. *Robinson*, in pursuance of the notice he had given, rose to present a petition for the repeal of the duty on marine assurances, from merchants, shipowners, underwriters, and insurance agents of London. He had, he said, also to submit a resolution upon this subject. The petition, coming, as it did, from the intelligence, respectability, and wealth of the city of London, connected with the trade, commerce, and navigation of the country, supported also by petitions from England, Ireland, and Scotland, and from all the large trading and manufacturing towns of the kingdom, he was certain would have great weight with the House. In bringing forward the motion of which he had given notice, for the gradual diminution of stamp duties upon marine policies, he had, he considered, a right to advert to the petitions presented last year upon that subject. To prove the impolicy of this tax, the discouragement it inflicted upon British insurances, and how much it tended to promote successful foreign competition, he observed that in 1810 the amount of imports and exports was 80,707,823*l.*, upon which the stamp duty on marine policies was 414,205*l.*; and at present, when the imports and exports were 125,396,225*l.*, so far from the stamp duty on marine policies being on the increase, it had dwindled down from 414,205*l.* to 219,000*l.* What was the case in Hamburgh and other cities which coped with this country in the same branch of trade? In Hamburgh, the amount paid for marine policies in 1814 was 41,791,000 marcs banco, and in 1835 it increased to 195,233,000. In Amsterdam, the amount paid in 1810 was 36,450,000 francs, in 1835 it increased to 82,820,000. In Antwerp, the amount was 741,120*l.* in 1821, and the increase in 1835 to 1,200,000*l.* There had been a great increase in other countries, while the tax was dwindling away so much in this as now to be hardly an object to the revenue. He considered that the right hon. Gentleman, the Chancellor of the Exchequer, had furnished him with an irresistible argument upon this subject, should, indeed, that right hon. Gentleman be now disposed to offer any opposition to his motion. Last year the right hon. the Chancellor of the Exchequer took credit to himself for having adopted the suggestion of the right hon. the President of the Board of Trade, when he addressed that House in the year 1830. Upon that occasion, the President of the Board of Trade commented upon the impolicy of the duty on marine insurances. He then observed that the stamp duties on marine policies amounted to 282,000*l.*, when the tonnage was 3,935,000*l.* In 1826 the stamp duties on sea policies amounted to only 219,000*l.*, though the tonnage had increased to 5,154,000*l.* In consequence of this impolitic course, the insurances went away to Holland and America, where the premiums, including the duty, were less. So convinced was Lord Althorp, when Chancellor of the Exchequer, of the impolicy of this tax, that he made some reduction in it—a reduction which that noble Lord calculated would affect the revenue to the amount of 100,000*l.*; but which was in fact such a relief to the commercial world (slight even as it was), that the loss to the public revenue did not exceed 10,000*l.* He was aware that Members of the House, placed as he was, were always likely to meet with opposition from the Chancellor of the Exchequer when they brought forward resolutions similar to that he was about to submit to the House, for a Chancellor of the Exchequer disliked any Member of the House interfering with what he regarded as his peculiar functions. He was aware that there were already notices on the books for a repeal of the soap-tax, for a repeal of the window-duties, and that the noble Lord, the Member for Buckinghamshire, would attempt once more to procure a repeal of the malt-tax. He would give one short reason why the House ought to prefer a repeal of the stamp duties on marine policies. They exceeded by very little two hundred thousand pounds; and it was quite clear that if the Government and the Legislature were disposed to give up the tax, they had not the same difficulty to encounter which they had with the other taxes, the repeal of which was proposed, namely, that none of the latter could be abandoned, unless some other tax was resorted to to supply their place. His resolution, he wished to observe, did not bind the House to a repeal of the stamp duty this Session, but that the House would take it into their early consideration. If the right hon. Gentleman would give no promise either to repeal or reduce this obnoxious tax, it would be his (Mr. Robinson's) duty, in connexion with those who were so much interested on the subject, to have a petition forwarded, and to take the sense of that House respecting it, in order that they might ascertain how many Members of that House thought that such an obnoxious tax ought to be continued. He was not aware that it was necessary for him longer to trouble the House. He would merely state that there was another tax for which a claim had been put in, and which the Chancellor of the Exchequer might think interposed a reasonable objection to his concurring in this motion. There was a claim, and a very powerful one, on behalf of some reduction of the taxation of the policies upon fire-insurances. It was perfectly well known that the duties upon fire policies were higher nominally than those upon marine-policies. But the reason why he considered that his claim was stronger in favour of a reduction of the duty than fire-policies was, that marine-policies were chargeable, perhaps twenty times every year, by the succession of their voyages, but the duty upon fire-policies was only charged once a-year, nor was it even levied again upon a dwelling-house being changed into a warehouse. This was a reason why he thought that the claim for the reduction of the duty upon fire-insurances was not so strong. He also considered that the amount arising from fire-insurances was very large, and if the Chancellor of the Exchequer were to volunteer their reduction some other tax must be substituted. If the right hon. Gentleman, the Chancellor of the Exchequer, were prepared to tell the House that he was satisfied of the policy of no longer continuing this impost, and that he should be prepared to come down to the House during the present Session with a proposition for the repeal or reduction of this tax, he should best discharge his duty by leaving the matter in the hands of that right hon. Gentleman. But if the right hon. Gentleman told the House that he was not so prepared, and gave no reason to hope for such an abolition, he should be obliged, in the discharge of his duty, to divide the House. He would conclude by reading the terms of his motion, which was to this effect, "That the gradual diminution of stamp duty derived from marine-policies, during several years of increasing trade, commerce and navigation, has fully demonstrated the impolicy of this tax, in the discouragement of British insurances, and the promotion of successful foreign competition, and that it is the duty of this House to take an early opportunity to repeal or reduce the same."

Sir *John R. Reid* seconded the motion. He knew well all the circumstances to which the hon. Gentleman had referred, he knew the weight which ought to attach to his arguments on this subject, and he therefore seconded the motion with sincere pleasure and satisfaction. He hoped that after the circumstances detailed in the petition presented by the hon. Member, and the mode in which he had brought those circumstances before the House, that the Chancellor of the Exchequer would grant the prayer of the petitioners, and offer no opposition to this motion.

The *Chancellor of the Exchequer* said, he certainly had nothing to complain of in the manner in which his hon. Friend had introduced this motion; he had stated his case shortly, and had stated briefly the arguments that pressed in favour of it. His hon. Friend told him that if he would only say that he meant to reduce this tax in the present Session he would not divide the House. Undoubtedly any other Gentleman whom he had ever yet heard in that House would likewise be indisposed to divide the House if he could obtain the whole of his objects without a division. The proposition of his hon. Friend, even on his own showing, did not go to the extent of committing the House of Commons to repeal or reduce the duty in the present year; it merely referred to some early period—it was very uncertain, and certainly did not compel the House to the repeal of the duty in the present year. But the hon. Gentleman said, that if he would only promise to repeal this tax in the present year, or, in other words, if he got more than he asked in his resolution, he would abstain from pressing the house to a division. He would at once say that he did not think that these petitioners had no claim to relief. If he said any such thing, he should say what he certainly did not feel. He thought that the petitioners had an undoubted claim to be considered with respect to their complaints. But it was very easy for any Gentleman acquainted with the subject of marine insurance, or fire insurance, or any other tax, to make out a case against the existence of that tax. There was scarcely any tax that would stand discussion on its own merits. They were all evils in themselves, and it was scarcely possible to name a tax which could not be proved to be objectionable in its nature. They were all evil, and he at once admitted that this was an evil tax. But in determining upon the repeal of taxes, he would only ask Gentlemen to consider whether it was possible to deal with the question of repeal of taxation except upon the principle of showing the inconvenience felt from one tax in comparison with the inconvenience attending the continuance of another. The House could not at present come to any decision on this subject. They were not in possession of the actual state of the finances; they were just at the close of the financial year, and the House had not yet heard what was the actual surplus of income over expenditure. They had no means of judging what disposable income would remain to be dealt with by the House; and yet the hon. Gentleman called upon the House absolutely to come to a definite decision. On a former occasion he believed the hon. Member for Manchester gave notice of a motion on the subject of the cotton duties. He took the liberty of stating on that occasion, and he would take the liberty of stating to his hon. Friend, who made this motion, that he really would not undertake to argue these taxes in detail till he had an opportunity of ascertaining what was the amount of disposable surplus, and how that amount could be best applied. His hon. Friend had himself stated, that there were on the orders of the House, notices with respect to the reduction of the duty on malt, on soap, on cottons, on tobacco, on windows, on fire insurances, and on life insurances. Now he was not disposed, on the mere statement of his hon. Friend to affirm the proposition that the reduction of the duty on marine insurances stood so pre-eminent over all other taxes that he was bound to give it the preference, and not to consider it with reference to the claims of other petitioners, but to take this question up at once, and give it the preference over all others. He would say, that his hon. Friend's motion was one which called for the serious consideration of that House: he was perfectly willing to say that it should be taken into the most serious consideration of his Majesty's Government. When the proper time arrived, he should be prepared, if he assented to the doctrine of his hon. Friend, to propose a reduction of this duty; or if he did not assent to that proposition, he would state the reasons that induced him to give the preference to reduction in some other branch of the revenue. Beyond this he would not go. He did not think that it would be just with respect to other Gentlemen who had been induced to suspend their motions until the period of the Budget. His hon. Friend knew that the period was not very remote, and that they were at the close of the financial year. He would therefore say that, in his opinion, his hon. Friend would best consult the interests of those whom he represented on this occasion if he left the matter entirely in the hands of the Government. At the same time, he was unwilling to sit down without expressing some difference of opinion from the statements that had fallen from his hon. Friend, and more especially in expressing a serious difference of opinion from a paper which had been industriously circulated and put into the hands of Members of that House. The hon. Gentleman had stated that this was a dwindling duty. Now this was not the fact. So far was it from being the fact, that when they made the reduction in 1833, thereby carrying into effect the proposition that had been received from the committee at Lloyd's, from that period it had not been a falling, but an augmenting duty. In the year ending in January, 1835, the duty was 201,000*l.*; in January, 1836, it was 218,000*l.*; and in January of the present year it amounted to 254,000*l.* These figures showed that the duty was not, as the hon. Gentleman said, gradually diminishing. It showed also that they might, in some instances, make reductions without any loss of revenue. The declaration of this being a falling duty he met with the simple announcement of its being an increasing one. He was unwilling to move a negative of the hon. Gentleman's proposition if he drove it to a division: he would rather move the previous question than a direct negative. But, independently of other objections, he had already stated his objection to any resolution being put on the journals of Parliament which was so vague and uncertain, and which left every individual Member to put upon it any interpretation he pleased. It did not even pledge the House to consider the subject in the present Session. He thought it would be much better, under all the circumstances, to leave the matter in the hands of the Government. He would give no pledge, except that he would consider these claims in common with the other claims, and that he would give them all their due weight. He would, however, admit that he believed the statement of his hon. Friend was correct when he stated that one effect of the present high rate of duty had undoubtedly driven to the Continent a great deal of the business. He would again repeat that he would take this subject into consideration, but he must object to these resolutions, which, even if they were good in themselves, were drawn up in so vague and indefinite a manner that they appeared to pledge the House to something, when, in reality, they pledged them to nothing. On these grounds he felt bound to oppose the motion.

Mr. Alderman *Thompson* hoped, that after the statement made by the Chancellor of the Exchequer, his hon. Friend would not press this motion. The right hon. Gentleman admitted that a case had been made out, and promised to take the subject into his most serious consideration between this time and the period of the financial statement. Under these circumstances, he was convinced that his hon. Friend would best consult the interest of the parties whom he represented by not pressing this question. He was as warm an advocate of the reduction of this duty as his hon. Friend; and when he entreated him to withdraw his motion, he did so, entertaining a confident expectation that, upon consideration of the case, the Chancellor of the Exchequer would feel called upon to propose either the total repeal of this duty, or a very large reduction.

Mr. *Hume*, having brought forward this question ten years ago, was unwilling to allow the discussion to drop without offering a few observations. He thought that the Chancellor of the Exchequer had stated a convincing reason why this subject ought to be brought under the consideration of the House, when he admitted that a great part of the insurance business was transferred to the opposite coasts, thereby destroying a profitable branch of trade without any relief to the shipping interest. This point was of considerable importance in the consideration of this question. This tax was exceedingly injurious in its operation. Of this he was quite sure, that until Members of that House brought forward the several taxes that pressed most severely on their constituents and the different interests of the country, unless they discussed the objection that might be laid against them, and the reasons for them, they could not expect that the public would derive much relief from taxation. He thought, therefore, that the hon. Member for Worcester had done good service in calling the more immediate attention of the House and of the Chancellor of the Exchequer to this subject. It was really a sound and true principle to press home and strongly; and the more taxes the Government was asked to remit, the better was the chance of the reduction of some of them. He would advise the hon. Gentleman, after the declaration of the Chancellor of the Exchequer, not to take the sense of the House upon his motion; but if it were not brought forward by the Chancellor of the Exchequer, the hon. Gentleman might at a future period fairly submit the question to the House, and take the opinion of the House upon it.

Lord *Sandon* concurred in the recommendation that had been given to the hon. Member for Worcester, not to divide the House upon this motion. It was but fair to wait and see what measures would be proposed by the Chancellor of the Exchequer on the subject.

Mr. *Robinson* would not divide the House. The strength of his case had been admitted, and he considered that what fell from the Chancellor of the Exchequer was equivalent to saying that he would bestow upon the subject his favourable consideration.

Motion withdrawn.

TURNPIKE ROADS.] Mr. *Mackinnon* rose to move the re-appointment of the Committee on turnpike tolls and trusts, for the purpose of considering such legislative enactments as ought to be recommended on the subject. It would, in his estimation, and in that of the Committee generally (which sat last year), be most desirable to maintain the various turnpike-roads throughout the country by a house rate equitably levied, and carefully appropriated, so as to secure a cheap and satisfactory mode of communication. The object which he sought to attain by the re-appointment of the Committee was to submit to their consideration a measure similar in principle to that which he had brought forward during the administration of the right hon. Gentleman, the Member for Tamworth, for the purpose of consolidating their trusts in the management and outlay; but differing from it in this respect—that instead of a central board in London, he would propose the establishment of such boards in the different country towns, under the management either of Commissioners, or of the courts of quarter sessions; so that no new turnpike act would be enabled to pass without, in the first instance, receiving their sanction: bills promoted by local boards of this description would be infinitely more palatable to the country generally than bills for similar purposes emanating from a central board, managed by the Under Secretary of State, and influenced immediately as would be universally supposed, by his Majesty's Ministers. The hon. Gentleman concluded by moving the re-appointment of the Committee.

Mr. *Fox Maule* was not disposed to accede to the hon. Gentleman's motion. He should have no objection to the renewal of the Committee, if the hon. Gentleman proposed to extend its labours to Ireland and Scotland. Upon the single branch of the inquiry to which their labours had been hitherto directed (he alluded to the turnpike trusts in England) they had already completed their report. He had no objection to the hon. Gentleman bringing forward the measure upon this subject to which he had alluded, and should be happy to give to it his most attentive consideration; but he did not at the same time think that there was any necessity for re-appointing the Committee. With reference to turnpike trusts generally, he would observe, that the necessity for consolidation, strict economy of outlay, publicity of the accounts, and abolition of useless offices, was becoming every day more strikingly apparent.

The *Chancellor of the Exchequer* said, that no intention whatever existed upon the part of Government to throw any impediment in the way of the hon. Gentleman, the Member for Lymington. He would suggest to that hon. Member to bring in his Bill, which could subsequently, if necessary, be referred for consideration to the re-appointed Committee.

Motion withdrawn.

GUNPOWDER EXPLOSION IN LIMERICK.] Mr. *William Roche* said, that his motive in calling for the document alluded to in the notice of motion on the Order Book, was to solicit the attention, and endeavour to persuade and prevail on the justice, or at least to excite the sympathy and compassion of Parliament, of Government, and the country on behalf of the unfortunate and innocent sufferers by the disastrous consequences of the gunpowder explosion which occurred in the City of Limerick about two months ago, an event which was deeply interesting to every portion of the empire; for even while he was speaking a similar fatality might be happening in some other locality, and he therefore trusted the House would kindly attend to him while he gave as brief as possible a detail of this unfortunate occurrence. His attention was directed to this subject at the commencement of the Session, aware that, however lively the impulse of feeling and pity might be on the first announcement of such a calamity, yet that sympathy was a plant of very fleeting nature, and as a French writer aptly said, "Mankind can bear the afflictions of others with great Christian patience;" but the various interruptions to which motions were liable, prevented an earlier notice of the subject. He was himself an eye-witness of that awful and destructive calamity and he could unfeignedly assure the House no picture, however vivid—no colouring, however heightened—no description, however heart-rending, could exceed the sad and shocking reality. In a moment several houses disappeared as if swallowed up by an earthquake, or prostrated by some supernatural agency. The gas lights were at once and simultaneously extinguished in that vicinity, and the street presented a terrific gloom, while the gathering crowd were left in darkness and in doubt as to the cause and the extent of the calamity. The unfortunate inmates were of course buried under the ruins, and the piteous moans, the agonizing appeals made by the surviving relatives to disentomb and save their unfortunate friends, still rang in his ears and harrowed up his feelings. Although the persons present were deeply anxious to meet such an appeal, circumstances painfully but imperatively forbad it. The lateness of the hour, nearly midnight, and the apprehension that more powder might exist in the ruins, and by collision, in the dark, might explode, and the dangerous state of the surrounding houses, the walls of which were, in fact, tottering to their fall, all prevented them from assisting. All these considerations compelled the magistracy, the army, who promptly gave their valuable aid, and the people, to forbear till morning. About thirty persons in all suffered either loss of life or limb, or experienced some grievous injury; but if the calamity had happened a couple of hours earlier, one hundred persons at least would have become victims. Life or limb were, of course, beyond the power of Parliament to restore, but some pecuniary relief to the innocent sufferers in property was within the power, and, he trusted, within the inclinations and province of a paternal Legislature and a compassionate people. Some few persons lost their all, and were at once, and without any fault, reduced from comfort and independence, to poverty and destitution, while others had lost more or less, for every window in the neighbouring houses was shattered to atoms. Nevertheless, a few thousand pounds; perhaps eight, or any thing Parliament might be disposed to grant, would afford relief, and surely that was no great sum to ask on such an occasion from the sympathy of a great and humane nation. Relief for such purposes was not, he believed, unusual, and had been, he understood, conferred on sufferers in the West Indies, when hurricanes devastated those regions. Limerick, however, had a claim on the justice of Parliament—because this calamity arose out of an injudicious state of the law in permitting a universal and promiscuous sale for so dangerous an article. Moreover, the magistracy there had memorialised the Irish Government previously and timely on the subject; and their application was, as usual, promptly noticed by the excellent Viceroy, but before any satisfactory arrangement could be adopted, the unhappy reality arrived. This misfortune to Limeric ought, he thought, at once lead to a more safe mode of vending gunpowder; and, in his opinion, and in that of his constituents, it would be wisest to confine its sale to a public dépôt, superintended by a public responsible officer; or that, if sale were at all permitted to private persons, it should be in canisters only. If this disaster to Limerick produced as it ought so necessary a protection to every other part of the country, could that country or its representatives refuse or begrudge a few pounds to remunerate Limerick, whose misfortune had caused this improvement and protection? Under these circumstances and considerations, he thought he had made out a case which called upon the justice of the Legislature, or, at all events, on its sympathy, for relief to the sufferers in Limerick. In Cork, too, and elsewhere, the greatest alarm existed, and public meetings were convened for the purpose. But perhaps it will be replied, let the gentry subscribe; to which he would answer, that any one acquainted with an Irish provincial town (and no one knew Limerick better than the Chancellor of the Exchequer,) would admit that the residents were utterly unable to raise anything like such a sum, and moreover, that they had raised all that was in their power, a month or two before, to relieve the then appalling wants of their poorer fellow-citizens. It might also be said, that it would be opening a door to similar applications from other places. It might further be said, why did they not insure? But besides that this calamity arose out of so unforeseen a cause, the very dearness of insuring, from the excessive duty upon it, was a serious bar to industrious people, and moreover it was even doubtful whether insurance companies would be liable from such a cause. He could not sit down without noticing the great zeal and beneficence manifested on the occasion by the medical gentlemen in Limerick, by the army, and by the amiable Mayor of that city, and indeed by all classes of the community. He left the case in the hands of a considerate and compassionate legislature and Government, and trusted that his representations, his appeal, and anxiety, would be met by corresponding feelings and results.

The *Chancellor of the Exchequer* had no objection to grant a copy of the memorial, but he could not hold out any hope of compensation to the sufferers on whose behalf the hon. Member had brought forward his motion. He sincerely sympathised with those individuals in the misfortune which had befallen them, but the hon. mover and seconder must, upon reflection, perceive that, if Parliament were to grant compensation in this instance, they would be establishing a precedent of a most frightful magnitude. Not only would persons losing property by any calamitous accident apply to Parliament for compensation, but, under the impression that they would be sure to obtain it, they would be careless about securing their property, and taking precautionary measures for its safety.

Mr. *W. Roche* observed, that as the object of his motion was to obtain relief for those to whom it related, and as no hope of such relief had been held out by the Chancellor of the Exchequer, it would be quite nugatory to merely obtain a copy of the memorial. He would, therefore, withdraw his motion.

Motion withdrawn.

DEPREDATIONS ON RAILWAYS.] Mr. *Dugdale* begged leave to call the attention of the House to the depredations committed by persons employed by railroad, canal, and other public companies, for the purpose of introducing some measure for the protection of the persons and property of his Majesty's subjects during the time such public works were in progress, and moved for leave to bring in a Bill to effect the same. If Parliament were to evince the same readiness henceforth as they had done last Session, for the advancement of railroad speculations, in a short time there would be scarcely a village free from such depredations. Railroads were yet, however, but in their infancy, fifty-six railroad petitions had been presented last year, out of which thirty-five had been granted. They had had seventy-five applications for railroads this Session, and twelve for canals; and if Parliament were to assent to all these Bills, there would be about one hundred railroads forming in the country at the same time. At present there were 11,000 men employed on the London and Birmingham Railroad, and taking but half that number for each, they would have a body of not less than 500,000 men employed in these works, not of the most respectable characters, or taken from the most respectable ranks of society. He therefore thought the House would agree with him that there ought to be some law to prevent those persons from injuring the property of the neighbourhood in which they might be employed. He wished not to be understood as expressing a feeling hostile to railroads, which generally speaking, were a great benefit to the country. The hon. Member concluded by moving for leave to bring in the Bill.

The *Chancellor of the Exchequer* observed, that the depredations of which the hon. Member complained were not confined to the vicinity of railroads or canals. There was not a great building of any kind carried on in the neighbourhood of which offences more or less did not consequently take place. He did not mean to object to the introduction of the Bill, but he hoped the House would maturely consider the question, and come to the conclusion of not passing such a measure, unless they were prepared to go much further, and legislate upon every alteration and minute circumstance that might occur in connexion with the commerce of the country. They should, indeed, be very careful of avoiding all confusion in dealing with the criminal law.

Mr. *Pease* looked upon such a Bill as that proposed, to be a peace-preserving measure. There was no doubt that persons employed upon railroads set the existing laws at defiance, by quitting the neighbourhood in which they worked immediately after they had committed some robbery or outrage, changing their names, and looking for employment at a considerable distance from the scene of their offences. This he asserted from his own observation, residing as he did in a neighbourhood in which various railroads were in progress. He thought that the law, as respected master and servant, should be maintained with respect to railroads, and that the proprietors should be made responsible for any depredation committed by persons employed by them.

Mr. *Cutlar Fergusson* said, that they required no new law on the subject. The existing law was quite sufficient to prevent the evils complained of, as far as legislation could effect it. Before the hon. Member introduced his new measure, the House ought to have been made acquainted with its nature.

Leave given to bring in the Bill.

COURT OF SESSION (SCOTLAND).] Mr. *Wallace* moved for a "Return from the Judges of the Court of Session in Scotland, asigning the causes and reasons which had induced them, under an Act of sederunt now on the table of the House, to tax the inhabitants of certain counties in Scotland, in the ratio of from 100 to nearly

200 per cent. more than in certain other counties, for precisely the same public duties, being performed by the same public servants—namely, the clerks to the stipendiary judges, who preside over the local courts of law existing in each county of Scotland; that the said judges do furnish, in a tabular form, copies of the sheriff clerks' fees imposed by the Acts of 1748, 1830, and 1836, so as to shew the difference in one view; and further, that they report the data on which they have formed the new table of fees, with the amount of income they have calculated will accrue in the whole, yearly, to each sheriff clerk, whose fees they have fixed in a manner apparently so unequal and arbitrary as respects them, as well as the people so to be taxed; also stating by name those sheriff clerks who perform their duties in person, and those who act by deputy; also that the said judges quote the statutes, authorising them to fix the fees of the sheriff clerks in 1748, 1830, and 1836, and make their report with all convenient speed, seeing that their Act of sederunt, of the 7th of July, 1836, was only reported to Parliament on the 1st of February, 1837, and if not altered or repealed by Parliament, will and must become law in Scotland in less than three months." The hon. Member stated, that the object he had in view, in seeking these returns was, to lay ground for rescinding the act of sederunt now on the table of the House.

The *Lord Advocate* was always unwilling to oppose any motion for returns made to this House, and particularly so when it came from his hon. Friend, the Member for Greenock; he regretted that he had not had an earlier opportunity of making some statement on the notice which had been given by his hon. Friend, who appeared to have proceeded on some very erroneous impressions, when he desired the judges of the Court of Session to assign the reasons which had induced them, under an Act of sederunt, to tax the inhabitants of the counties of Scotland, implying that this taxation had been unequal and arbitrary. They were also required to state the statutes under which they had acted, and their reason for doing so. The judges of the Court of Session, in regulating the fees of sheriff clerks, had acted entirely under the provisions of the 6th Geo. 4th, cap. 23, which required them to revive an Act of sederunt which had been passed in 1748, and to take into consideration what fees they should judge reasonable hereafter to be exacted by clerks; and, in doing so, to take into consideration the Reports of the Commissioners, appointed in 1815, to inquire into the duties and emoluments of persons belonging to judicial establishments in Scotland. There was a provision in that statute, that no clerk, then holding an office, should be bound to accept of them, in lieu of the emoluments to which he was legally entitled, unless he thought fit, and that the regulations should be postponed during his life, unless he agreed. The Court were also directed to appoint five sheriffs to report on these regulations and tables of fees. Soon after, an Act of Parliament was passed, authorising the Court of Session to make a new form of process for Sheriff Courts. This was prepared in 1826, and materially altered the form of proceedings in Sheriff Courts. In consequence of this change in the proceedings, the construction of the table of fees was attended with great difficulty, as it was necessary to adopt them to the new mode of procedure.—Long and laborious inquiries were made with that view, and Acts of sederunt were passed by the Court of Session in 1830 and 1833. In the course of these inquiries, a temporary table of fees was adopted, which, according to the information the judges received, was considered a commutation of the existing fees, and was not supposed either to increase or to diminish them. The judges had no power to depart from this, so far as regarded the sheriff clerks, who were appointed at the time when the Act was passed, unless with their consent; but they were authorised, with regard to those appointed afterwards, to take into view what fees they should think reasonable. It appeared to the Committee of Judges, that the fees received in many counties afforded more than a reasonable allowance to the sheriff clerks; and upon a Report from a Committee of three of their number, to whom the matter was referred, they lowered the fees to as small a rate as they considered afforded a reasonable allowance to the persons who might hold the office. Their views are explained in that Report, which he would move should be laid before the House. It was signed by a judge of great learning and ability, and most scrupulous in the discharge of every duty intrusted to him. There was no individual holding any situation of public trust less disposed to exceed any powers delegated to him, than the learned judge to whom he referred. Instead of wishing to tax the suitors, it was that judge's wish, acting under that Act of Parliament, to reduce the fees or taxation, as it has been called, as much as he was empowered to do; but he had no power of providing for the clerks otherwise than from the fees, and he was bound by the Act to leave, in each case, what would afford a reasonable amount. This was a very laborious undertaking imposed upon the judges by Act of Parliament, and delegated by them, in the first instance, to be reported on by a Committee. It might be said, why not fix an uniform fee in every county? And if in small counties that would not afford a suitable maintenance, let the sheriff's clerk be paid otherwise. It was no doubt in the power of the Legislature to have done this, but that was not the power which was delegated to the judges by the Act of Parliament. They did consider whether they had the power of making an uniform fund, and apportioning fees to the different Sheriff Clerks, according to their duties—but they found they had no such power. Their object, therefore, was, to exercise such power as they had, in the manner most beneficial for the country, and with that view they recommended a reduction of the fees as low as they thought was reasonable in each instance. It was very hard where the object of the judges appears to have been to lower fees, and where they had done so in all the larger counties, and increased them in none, to accuse them of laying on taxation, which must mean that they had increased the fees. If this misapplication had prevailed, he trusted it would be removed by the Report of the Committee of judges made in December, 1835, and he should afterwards move that it, together with the Act of sederunt, should be printed and distributed among the Members of this House. He regretted very much that his hon. Friend had framed his motion in such terms as might have conveyed a very unfavourable impression of what had been done. He was sure that it would be removed from the mind of every person who might peruse that report. In looking forward to judicial reform, there was nothing more important than to keep in view, that justice could not be well administered, and retain its due authority, unless the judges, who sit in courts of law, received that support and respect from the Legislature to which they were entitled; where they were truly labouring to diminish burthens, they were entitled to the gratitude of the country. Whether such duties should be imposed upon them, or in what terms they should be given, was a very different question, but he asked every person to suspend his judgment in this instance, until he had the proceedings referred to before him, and he would see from the report of that excellent judge, the spirit in which the question was examined, and upon which the regulations of the Court were framed. The character of judges was public property, and where they performed a difficult and laborious duty, with the best resolutions, they were entitled to the support and respect of the House, and of his hon. Friend, who was desirous to improve the administration of justice in Scotland. They could not exceed the powers given them by the Legislature, and any fault that had been found with what was done, applied to the Act of Parliament itself, and to the arrangements which must necessarily be made under it, and not to the judges, who were directed to carry those arrangements into effect. The Legislature imposed various restrictions, and gave limited powers. The report which he now moved should be laid before the House, would show that the judges had followed out the course prescribed to them, with the most anxious desire to fulfil the intentions expressed in the Act of Parliament.

Mr. *Wallace* consented to withdraw his motion, and the amendment moved by the Lord Advocate was agreed to.

HOUSE OF LORDS,

Friday, March 3, 1837.

Minutes.] Bills. Read a third time:—Charity Commissioners.—Read a second time:—Lease Making (Scotland).—Read a first time:—Scotch and Irish Vagrants.

Petitions presented. By Lords Kenyon, Redesdale, Wharncliffe, the Archbishop of Canterbury, the Bishops of London, Bath, and Wells, and the Earl of Shaftesbury, from Leeds, Norwich, Tewkesbury, and various other places, against the Abolition of Church Rates. By Lords Hatherton, Holland, Denman, the Marquess of Lansdowne, and the Duke of Sutherland, from Malmsbury, Northampton, Kidderminster, and various other places, for the Abolition of Church Rates.—By the Bishop of Exeter, from Hertford and Ware, that some mode may be adopted of furnishing religious instruction to the Inmates of Workhouses.—By Lord Wharncliffe, from Bradford (Yorkshire), for the Alteration of the Factories' Regulation Act.

HOUSE OF COMMONS,

Friday, March 3, 1837.

MINUTES.] Petitions presented. By Mr. Forster, Captain Alsager, Sir J. Mordaunt, Mr. Eaton, Lord Norreys, Captain Boldero, Mr. J. Stewart, Mr. G. Palmer, Mr. Baring Wall, Mr. Bramston, Mr. Blackstone, Mr. Estcourt, General Lygon, Sir J. Beckett, Mr. Mackinnon, Mr. Halford, Mr. Wodehouse, Sir W. Geary, Mr. Plumptre, Mr. C. Ross, Mr. Bagot, Sir R. Inglis, Sir C. Burrell, Mr. Halse, Mr. Barneby, the Marquess of Chandos, Mr. W. M. Praed, Mr. Cripps, Sir Henry Smyth, Colonel Rushbroke, Mr. Arthur Trevor, Mr. Greene, Sergeant Blackburne, Mr. Houldsworth, Mr. Wilson Jones, Mr. Montagu Parker, Sir Edward Knatchbull, Sir R. Vivian, Mr. H. Vivian, Lord Visc. Grimston, Mr. T. Gladstone, Mr. Wm. Duncombe, Sir C. Lemon, Sir R. Simeon, Mr. North, Lord G. Somerset, Lord Ashley, Mr. Elwes, Mr. G. Knight, Colonel Sibthorp, Sir R. Peel, the Earl of Lincoln, Sir Wm. Follett, Mr. Aaron Chapman, Lord Viscount Pollington, Mr. C. Russell, and other Hon. Members, from Salford, Warwick, Blackmore, Doddinghurst, Leeds, and various other places, against the Abolition of Church Rates.—By Sir H. Hardinge, from Penzance, for the Repeal of Duty on Soap.—By Mr. Fox Maule, from Perth, for the Repeal of the Duty on Cotton Wool.—By Mr. Strutt, from the Baptists of Derby, for the Better Observance of the Sabbath.—By Captain G. Fergusson, from Banff, for Alteration of Salmon Fisheries (Scotland) Bill.—By Colonel L. Parry, from Carnarvon, complaining of the misappropriation of the Revenues of certain Welsh Livings, and against the Introduction to Bishoprics of Persons unacquainted with the Welsh Language.—By Lord Dalmeny, from Stirling, against the creation of Fictitious Votes (Scotland).—By Mr. Tooke, Colonel Seale, Mr. Bannerman, Mr. Lester, Mr. Potter, Mr. Lambton, Mr. G. Phillips, Mr. R. J. Smith, Mr. Brotherton, Mr. C. Lushington, Mr. Law Hodges, Mr. G. Cavendish, Mr. Hurst, Mr. Poulett Scrope, Mr. Turner, Mr. Mostyn, Mr. Lennard, Mr. Pryme, Mr. Mark Phillips, Mr. Gillon, Mr. Baines, Mr. Bowes, Sir Wm. Folkes, Captain Wemyss, Sir Jacob Astley, Mr. Wilkins, Mr. Wm. Ord, Mr. Cripps, Mr. Gully, Mr. Vernon Smith, Mr. Hawkins, Mr. C. T. D'Eyncourt, Mr. Wallace, Mr. Maule, Mr. Hume, Sir Ronald Fergusson, Mr. M'Taggart, Mr. Francis Baring, Mr. Sandford, Mr. Thornley, Mr. Daniel Gaskell, Sir G. Strickland, Sir R. Price, Mr. Barnard, Lord James Stuart, Sir Hedworth Williamson, Mr. Benjamin Smith, Mr. Shaw Lefevre, Mr. Hastie, Mr. Scholefield, Mr. Robinson, Mr. Harvey, Mr. Methuen, Mr. Warburton, Mr. T. S. Duncombe, Mr. Tancred, Mr. Kemys Tynte, Mr. Labouchere, Mr. Alderman Humphrey, Sir A. L. Hay, Mr. O'Connell, Mr. Alston, Mr. Oswald, Mr. Roebuck, Mr. Hindley, Mr. Benett, Mr. Cayley, Mr. Harland, Mr. Pease, Lord Worsley, Colonel Gore Langton, Mr. Alderman Thompson, Mr. Hawes, Mr. Parker, Mr. Bainbridge, Lord Dalmeny, Mr. Oliphant, Mr. Divett, the Attorney-General, Mr. C. Wood, Mr. C. Buller, Lord Viscount Morpeth, Lord Viscount Ebrington, Lord John Russell, and other Hon. Members, from Liverpool, Blackburn, Portsmouth, Wigtown, Bradford, Dartmouth, Aberdeen, Aylesbury, Foots Cray, Sevenoaks, Tenterden, Ramsgate, Northampton, Milford, Yarmouth, Nottingham, Dudley, and various other places, for the Abolition of Church Rates.

CHURCH-RATES.] The Chancellor of the Exchequer moved the Order of the Day for the House to resolve itself into a Committee of the whole House on that part of his Majesty's Speech which related to Church-rates.

The *Chancellor of the Exchequer*[*] spoke as follows:—Mr. Bernal; I shall not occupy your time, or that of the Committee, by soliciting your kind consideration, or by advancing any peculiar claim to your indulgence. Sir, I shall simply say, that under no circumstances have I ever risen to address the House with so deep a sense of the responsibility that attaches to me, whether as a Member of Parliament, or as a Member of the Government. The important question which I am now about to propose to the House, I consider to be one of that character which absorbs all ordinary considerations. It is a question in which the speaker not only forgets himself, and all political or party connexion, but in which he loses sight of all considerations whatsoever, except the great and mighty interests that are involved, not in the discussion, but in the solution of this subject. We are about to try to give religious peace throughout the land. We seek to extend farther the liberal principles upon which this House has, in later times, acted. Sir, the difficulties of discussing this question are greatly aggravated by the circumstances of the times in which we live. If I entertained a hope that we could approach the discussion without passion, without prejudice, without party excitement, then, indeed, I should not hesitate in anticipating a successful issue to the debate; but when we see the character of the times in which we live,—when we see the disposition that exists, upon all occasions like the present, to excite a prejudice, to raise a cry, to persuade certain parties that the Church is in danger,—I feel that the difficulties which would exist even under ordinary circumstances become in the present instance overpowering.

Sir, I may be allowed to state, in reference to the spirit in which this measure is recommended to Parliament, that the Government propose it in no spirit of hostility to the Established Church; on the contrary, we feel persuaded that the settlement of the question is that measure, above all others, which, at the present moment, will give peace and security to our Establishment. Sir, let not hon. Gentlemen think, that, in thus anticipating danger and difficulty, I am drawing purely from my imagination. It is no such thing. Within a very short period of time, before the intentions of his Majesty's Government on this subject had been communicated to Parliament, I saw it proclaimed,—

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[*] From a corrected Report.

and that on the authority of an individual who is valued, respected, and loved by his friends,—that the public at large were to anticipate a measure calculated to rob God of his glory and the poor of their rights. Such was the character given of our measure by anticipation. Sir, I allude to this for the purpose of denying the assertion; and of entreating the House to believe that the intentions of those who have framed this measure—the intentions of him who humbly proposes it,—are to advance the cause of religion; to give peace—to give stability—to the Church; and that, so far from robbing the poor of their rights, we seek to affirm those rights, and to establish those rights more particularly in reference to the subject of religious instruction. Sir, it was but a short time since, that, in a debate upon another question, a noble Friend of mine animadverted on the absence of petitions. No individual can make a similar observation on the subject of Church-rates. On the contrary, what subject has excited throughout the land so deep and earnest an attention? No person who has a large class of constituents, can venture to say,—and, thanks to the Reform Bill, most of us may now appeal to a large class of constituents,—there is no hon. Gentleman, I repeat it, on either side of the House, who can be prepared to say that this subject is not one which comes recommended to the House as having excited the strongest public interest. Nay, I may almost put it, whether this is not a subject which we may approach within the walls of Parliament upon the admission that a great evil exists, and that the evil calls for an immediate and an effective remedy? I hope I may assume within this House, though I know a contrary opinion has been entertained without these walls, that a remedy, prompt and decisive, is called for—I hope I may assume that the question at issue between the two sides of the House, and which we must decide, is not whether we can remain as we are? but, what is the course that it behoves the Legislature to follow?

Sir, I should wish, in the first branch of my argument, to refer to certain high authorities on this subject, because the House would feel that I neglected my duty if I did not strengthen my position as far as possible, and more especially when I appeal to authorities which cannot but have weight with the hon. Gentlemen opposite. I shall not argue merely to satisfy Gentlemen who are disposed to support me; but I shall argue, if possible, to convince those hon. Gentlemen also who are prepared to oppose my resolution. I may assume, that hon. Gentlemen who have already presented petitions in favour of the measure, from this side of the House, are prepared to support me. It is therefore from the other side that I must seek to make converts. I seek to influence votes, by calling the attention of hon. Gentlemen to the fatal consequences which may, or rather which must, arise from allowing this question to remain unsettled. The first authority to which I shall allude is the authority of a Commission proceeding from the Crown, issued during the Government of the Duke of Wellington. I do not allude to t is Report in support of the particular remedy which I propose, but as establishing the preliminary fact, that the present state of the law is one which we cannot allow to continue;—that some remedy is called for, and that such remedy it is the duty of this House to provide. In the extract which I shall quote from the Report of the Commissioners, I find it set forth, that the whole subject of Church-rates demands immediate attention; as the mischiefs arising from the present state of the law are rapidly spreading. To prove the correctness of this statement, it is only necessary to refer to the actual state of the law. It is clearly indisputable in practice, and I believe it to be equally so in point of law, that if a vestry is assembled to consider the proposition of a Church-rate, that vestry has full means of refusing its assent to the rate. I do not anticipate that there are any hon. Gentlemen in this House who will defend the present state of the law; but if there are, let them not defendit upon the ground that there now exists any fixed, permanent, or satisfactory mode of providing for the repair and maintenance of the churches of the Establishment. That, surely, cannot be considered as a fixed, permanent, and established income, to which the majority of any parish vestry may refuse or postpone its assent. You may defend the present state of things on any other ground you please; but to defend it on the ground of its affording a permanent and stable support for the maintenance of the parish Churches, is a complete misapprehension of all the facts of the case, and is contradicted by the events which are passing before our own eyes. Let the Committee recollect, that the vestries of England and I rejoice at the circumstance) are not confined to any particular sect or denomination of his Majesty's subjects. In Ireland that is not the case; but in England you invite, at the commencement of the year, all the King's subjects to meet in vestry, and determine whether there shall or shall not be a Church-rate. Upon the vote of the vestry so assembled, the imposition and levy of that rate are determined. Let us ask, Sir, to what has this led? It has led, in numberless cases, not only to conflicting opinions, but a determined spirit of resistance;—it has arrayed the Dissenter against the Churchman.—It has produced annual bickerings, and annual divisions. It has led to results that, in a great number of parishes and cities and towns, have been anything but favourable to the stability of the Church, to the promotion of Christian knowledge, or the extension of Christian charity. Let it not, therefore, be said, that this present state of things does furnish any efficient support to the Church Establishment; on the contrary, I maintain that it leads to results of the most opposite character. On the first discussion of this subject, some years back, I think my hon. Friend, the Member for the University of Oxford (Sir Robert Inglis), stated, that there had not then been manifested a resistance to the payment of Church-rates in more than fifty parishes. Upon the authority of another hon. Member of this House, it was, on a subsequent occasion, stated that the number of recusant parishes had doubled, and then amounted to more than 100. But, for my argument, I care not whether there are 50 or 100 parishes in which a determined stand is made against these rates: I should be blind indeed to the interests of the Church Establishment, and to the interests of all who are connected with it, if I thought the danger would be confined within the limits of these 50 or 100 parishes, if I did not attempt to correct what I consider must be a progressive evil. It cannot be said that this resistance is confined within particular localities; on the contrary, it resembles a plague-spot breaking out in one place, but which, in a very short time, will spread its contagion generally. I shall take the liberty of describing to the House what that spirit of resistance, and its consequences, have been in certain cases. I have many examples which I might state to the House, but I shall select only a few as specimens. First, I shall take the case of Sheffield. In Sheffield, the opposition to Church-rates commenced in 1817 or 1818. On that occasion, the adjournment of the vestry was moved, and the same scene followed year after year, till the year 1822. There was a decided contest in that city, the effect of which was to cause an evident separation between the Churchmen and the Dissenters between the years 1817 and 1822. The meetings were held in the Church, where scenes took place disgraceful to all parties,—scenes which were fit illustrations of the working of the system. The writer, from whom I derive my information, proceeds to say,—

> One scene I shall never forget;—an actual trial of personal strength between two Gentlemen, each trying to eject the other from the chair, the partisans on each side backing and encouraging the combatants. There was no further attempt made to obtain a Church-rate until 1824; and in that year, the active opponents of the rate on the former occasion being dead, the Church rate party called a vestry meeting to lay a rate; and so disgusted had I been at the scenes at former meetings, where the rate was only got rid of by a quibble, that I proposed a resolution negativing the granting of a rate, on the ground of its injustice. This was carried, and there has been no attempt to lay a rate since then.

The consequence has been, that in Sheffield no rate has existed since 1817 or 1818. Here was a meeting held in the church itself, in the face of the whole congregation,—here we find the Dissenters and Churchmen arrayed against each other — the contest resolving itself into personal violence,—and this as a lesson of peace and charity to the assembled parishioners! all this has actually occurred; and with what result? Why, notthe collection, but the extinction, of the rate, the subject of contest;—the utter extinction of the rate during the period I have referred to.

The next case to which I shall refer is that of Manchester. I refer to these great towns because I wish to show the magnitude of the evil; because I know that public feeling is more alive in these great towns, than elsewhere; because the excitement that originates there, whether it be of a political, of a religious, or of an intellectual character, soon extends,—first, through all the great towns, and, subsequently, throughout the whole community. At Manchester, I find that the Dissenters, in 1833, resisted Church-rates, and a poll was demanded, after a rate had been proposed in vestry and lost. A poll was demanded, for which no preparation was made; and after five or six days' struggle, and after polling 7,000 and 8,000, the rate was lost by a majority of one. The church-wardens held a scrutiny, the majority was declared to be in favour of the rate. This is a case in which the rate was successful; but the examples of cases in which the rate has been carried, speak as strongly for my motion, as those of a different character. The rate was carried; but was it collected? To this I shall refer hereafter. The church wardens conducted the scrutiny, and declared that the final majority was in favour of the rate: but what has been the result? My hon. Friend behind me (Mr. Philips) knows. Was the rate levied? Was it paid? Was the Church supported by the produce? No such thing; no step has been taken to enforce this rate. No levy has been made under it: the Church-wardens have not judged it prudent to attempt a levy; so that even when, in vestry, the rate has been successful, it has failed for any real good and practical purpose. The subject has excited a storm, and all for nothing. Confusion, and contest, and party dissensions have been produced. The writer of a letter which I hold in my hand proceeds to say,—

> In 1834 a contest again took place in Manchester. The election of the Members was nothing to it. The poll lasted five or six days and nearly 15000 votes were polled, and there was a majority against the rate of 11,000. It appears that a scrutiny was demanded; but what was the result? This large majority was declared to be a minority; but though dared to do so, they declined to try the case at law.

Was it politic, in such a community as Manchester, to array 15,000 persons in controversy upon a church question? And I have stated that, when they had succeeded, the church wardens did not dare to try the case at law, or to collect the rate thus established. In the year 1835, another parish meeting was called, and a very large assembly came together, but the show of hands was so decisive, that the church wardens declined to go to a poll, and from that time to the present, in the town of Manchester, there has been no attempt to raise a Church-rate. Can, or ought, this state of things to continue? If you depend upon the Church-rate for the maintenance of the Church, can you depend upon the present state of the law to enable you to enforce that payment? It is not sufficient to assert that the law must be strengthened: if you wish to maintain such a proposition, you must carry the House of Commons with you. Can you do so? Can you get any House of Commons to grant such new and additional power? Colonel *Sibthorp*. — *Hear! hear!*"] The hon. Member for Lincoln, I know, holds, that if the church rate cannot be collected under the present law, nothing can be more easy than to persuade the Legislature to give additional power. I confess, I should like to see, not the person, but the party, however combined in force or number, who could come down to this House, and ask the Parliament—not to give the people of England a settlement of this question, but—to grant additional power for enforcing the payment of Church-rates, and persisting in the present system. I will say, that be that individual who he may, who thinks he can obtain from the Legislature additional powers to enforce the payment of Church-rates, he will soon find that he miscalculates the character of the Legislature, as well as miscalculates the people whom that Legislature represents.

There is another case which, as it establishes the first part of my proposition, I must take the liberty of adverting to. The case I allude to occurred in a township in Yorkshire, called Applethorpe. In this case there had been a large church built: heavy rates were demanded and were agreed to at the vestry meeting, and a rate of 2*s*. 9*d*. was actually ordered to be levied. I have already shown you a case in which a rate has been refused by the vestry; I have also shown you a case in which a rate, being made, was not enforced; and the object of the present illustration is to show you, farther, what, even where a rate has been granted and enforced, sometimes are the consequences of that enforcement of rate, and how strongly those consequences prove the inconvenience of the existing law. In this case the rate of 2*s*. 9*d*. was proposed to be levied on a certain Captain Flower, a Dissenter, who contested the rate. He was summoned before a magistrate, again persisted in his refusal, and denied the legality of the rate. The legality of the rate being contested, the magistrate was deprived of jurisdiction; the case was taken to another and an ecclesiastical tribunal, and the result was, that Captain Flower had to pay the rate, with costs amounting to 250*l.* Of this I do not complain. I admit, that if he, or any one else, resists a demand and goes to law to try the right, if the law be against the appellant, he is bound to abide by the consequences. I suppose that I have understood the meaning of the cheer from the hon. and Gallant (Colonel Sibthorp) and that I have answered his supposed inference. But, without claiming for Captain Flower any sympathy for the payment of his costs, there is another circumstance, connected with this case, which, perhaps, when the Gallant Colonel hears, he will not be disposed to cheer: it is this,—that no rate has been granted in that parish ever since. The case therefore proves that for the recovery of the rate of 2*s.* 9*d.* contested on the ground of its legality, costs of 250*l.* were inflicted on the party, and the rate has not been repeated. If you read that lesson to the people of England, depend upon it that their sympathy will be excited for the man who has paid these enormous costs, and their feelings will rise against the existing law.

I trust that hon. Gentlemen will see that all these illustrations, however tedious, are made for the purpose of establishing the first point of my argument, namely, that the law cannot be permitted to remain as it is. If there be hon. Gentlemen in this House who think that the law can stand as it is, let them come forward in reply, and maintain that argument. But they cannot do so if, as I hope I have been enabled to prove to this House, the law is defective and needs amendment. This is the first duty of every one who suggests any important change of the existing law. Until that foundation be laid, I do not conceive that I have a right to come to Parliament and recommend an alteration. It has been with that view that I have referred to the matters of fact I have brought before the House. But I rely not only on fact, but on opinion also. I may appeal to one authority on the subject which cannot fail to have great weight with those hon. Gentlemen, on the other side, who suppose that the present system can be maintained. It is the authority of my noble Friend opposite, and I rejoice to have an opportunity of quoting to the House any authority of his, in support of an opinion of my own; for, though we have differed on some important questions, and on more occasions than I could have wished, we have never been engaged in discussion upon any terms but those of sincere and affectionate friendship. When I appeal to his authority on this subject, I have no right to claim it in behalf of my specific plan of remedy. But I know his high authority; I appeal to that authority in condemnation of the present system; and I therefore call upon the House to listen attentively to the opinion which he eloquently expressed upon this subject in 1834. My noble Friend stated, that "true it was, that though Church-rates had been resisted, the Church itself had been successful in overcoming the resistance;" and then he proceeded to state, with a truly wise and statesmanlike view of the subject, what must be the consequences even of that success:—

"Suppose (said he) that, year after year, the Church should be triumphant in maintaining the payment of these rates to the uttermost farthing, and in maintaining every abuse connected with their collection and distribution; does my hon. Friend (the hon. Baronet, the Member for Oxford) think that such a course of proceeding would be advantageous to the interests of the Church, or lead to the promotion of true religion?"

My noble Friend well knew on what grounds to appeal to the hon. Member for Oxford. He appealed to him on the grounds of the interests of the Church itself, and the advancement of true religion. I say, Sir, how can the interest of the Church itself, and the advancement of true religion, be promoted or maintained by the present system of making and enforcing Church-rates? My noble Friend, following out the same course of argument, next asked,—

"Does my hon. Friend consider the heart-burnings, the acrimonious revilings, the constant quarrels, the jealousies, the recrimination, the profanation of the Church itself, where these meetings take place, by which, year after year, the cause of true religion is violated and profaned, the house of God desecrated, and the very worst possible feeling excited among the majority of the people at large? I say, that such a state of things imperatively calls for relief."

I do not appeal to him as an authority in favour of my plan, of which he knows nothing; but I do appeal to him as a conclusive authority in favour of my first principle, which affirms that the present system cannot be allowed to continue. If hon. Gentlemen stand up and tell us that the Church has been victorious, I ask them, in the words of my noble Friend, will not such victories be fatal? Or, if the Church continue to be triumphant, can such dangerous triumphs be considered as a set-off or counterpoise to the mischiefs which my noble Friend so eloquently described in the speech which I have just quoted? I feel that I must have occupied the attention of the House for a longer period than I could wish, even on this first part of the subject; and I should not have done so, but that I feel and know that, though not within these walls, yet beyond them, some have maintained that no remedy is required, and that no alteration of the law is called for. I know that there is an opinion prevalent in certain quarters, and more particularly among churchmen, that we may struggle on as before. I know that an opinion has been inculcated, that the law, as it now stands, is sufficient to enable the Church to enforce the rates; and I have, therefore, thought it necessary to prove—on authority, to me conclusive—that change of the present system is necessary to the interests of the Church itself—to the just feelings of the Dissenters—and to the maintenance of good order and peace throughout the country. Now, Sir, if I am right—and I may be permitted to assume that I am so for the moment—let Gentlemen remember that we are not called upon to decide absolutely upon my plan: on the present occasion I am only bound to explain its principle, and to prove that it is worthy of consideration. It is not so much the question, at the present moment, whether a particular remedy should be adopted, as whether any remedy is called for, and whether my proposition may be entertained.

Various remedies have been proposed from different quarters; to these, I shall proceed to direct my observations. Of these, the first is, the total abolition of Church-rates: leaving the repair of the fabric of the Church to be provided for by the voluntary contributions of the members of the Establishment. This is, in point of fact, no less than leaving the maintenance of the fabric of the Church to depend on what we understand and refer to, in our debates, under the name of the voluntary principle. Now, Sir, I for one say, that to that principle I must ever, and under all circumstances, express my decided opposition, whether with regard to the maintenance of the fabric of the Church, or to the support of the ministers of the Establishment. I am a member of the Established Church. I am sincerely attached to that Church by conviction, no less than by birth and education. I am not called to argue as against the voluntary system, at the present. It is sufficient for my purpose to enter my protest against it, in whatever shape, or under whatsoever modification it may appear. My noble Friend, the Secretary of State, has made this declaration on various former occasions; I repeat it, and I state it the more boldly now, because it is on the rejection of this principle that I invite the House to the consideration of my proposed remedy; and, therefore, it need not preclude any person from adopting my conclusion, and doing that which I contend is just, not only to the Established Church, but to the Dissenters. I repeat it advisedly—for the plan I am about to propose, so far from having any connexion with the voluntary principle, and so far from leaving no settled provision for the maintenance of the fabric of the Established Church, proceeds upon a principle the very opposite; and it affirms absolutely, that of the duty which is incumbent on the state of securing, for ever, the means for religious worship within his Majesty's dominions. If more were called for, and it were considered as insufficient for me to record my dissent from the voluntary principle, I might be tempted shortly to add, that when any hon. Gentleman can satisfy me that the independence and honour of the country can be defended—when our army and navy can be supported—when public instruction can be provided for—when the administration of justice can be maintained—upon the voluntary principle—then, and not till then, I shall apply the voluntary principle to the Church; sooner it cannot be applied, unless it be contended, indeed, that religious instruction is, as a principle, less important to the whole community than the other duties to which I have alluded. In such an event, but in no other, can I admit that the voluntary principle in religious matters may be relied on. But, inasmuch as I feel that it is impossible to establish any one of these propositions, and when I know that the religious Establishment of the State is, at the least, as necessary to be maintained as the army, navy, or administration of justice; then, I must say that I can never submit to leave the Church Establishment to the chances and instability of the voluntary principle.

Sir, a second proposition is, that the Church should be left to the voluntary principle, but that a distinctive system of taxation should be introduced—these taxes being levied exclusively from the members of the Church for its maintenance. I think, Sir, this involves, though in a minor degree, the objection to which I have already alluded, as applicable in the former proposition. It is inconsistent with the first principles of our Establishment; and how, Sir, are we to distinguish who is or who is not a Churchman? Are we to establish a new test? Are we to renew the odious principle of the Test and Corporation Acts, in order to know who is to be hereafter compellable to contribute towards the Church Establishment? But, Sir, I need not pursue this line of argument further—the plan is too absurd, and manifestly objectionable, to require further observation.

Another proposition is, that there should be a fund created by a tax levied upon the clergy, by the imposition of a rate of taxation levied by a graduated scale upon all the benefices of the Church. It is suggested as a sort of income tax, to be levied upon the clergy for the maintenance of the fabric of the Church. Neither to that proposition can I agree. You have stated to Parliament, in a Report laid upon your Table, what is the actual amount of the revenues of the Church of England. After considering that Report, I think no hon. Member will deem that an income tax upon the clergy is a proper mode of meeting the expense. That Report shows, that the average income of the clergy of the Church of England, amounts to no larger a sum than 285*l.* per annum. Sir, I am not now called upon to enter into the question of distribution; but, assuming, for the sake of argument, that the distribution was equalised, it will only yield an average of 285*l.* But then, some exclaim, "there are the bishops, deans, and chapters—why not abolish them?" Sir, in answer to that, I say in the first place, that the proposal would be, in fact, abolishing the episcopal character of our Church. It would alter the whole system of the Establishment. But, again—conceding for argument's sake, that all these dignitaries were swept away, and that their whole revenue were thrown into the average, it would not yield, even then, to each clergyman, an average much exceeding 300*l.* per annum. I am not, for one, prepared to say that this income is in excess. On the contrary, I feel that it is not an income from which I am prepared to make any deduction, when I consider the duties cast upon the clergy, and the large means of usefulness which are open to them; when I think on their charity and their benevolence, and the claims upon both. On these grounds, I am not disposed to make any deduction from the income now assigned to the parochial clergy of the Established Church.

Another suggestion has been made, by which a fund should be raised solely by pew-rents, and by which the sittings in the Church should be applied to maintain the fabric of the Church. Sir, I should be very reluctant to acquiesce in this principle, stated without limitation. Then, indeed, I must appear to justify a second part of the urgent cry to which I have already alluded; then it might be said that I did propose to rob the poor of their rights. Sir, I think, if all admission to our churches were made dependent on money payment, we should rob the poor of their rights; which I will never consent to—and, therefore, if there be any who impute such an intention to me—to his Majesty's Ministers—or to those who may support the plan we propose, such persons do us a manifest injustice. Sir, I contend that it is the duty of the Government, on the contrary, to provide, as far as is practicable, seats for the poor; and instead of limiting or abridging their rights, I propose in my Bill to confirm and extend them. If we were to place the support of the fabric of the Church upon the system of pew-rents, without regard to the rights of the poor, or without providing adequate means of religious instruction to the poorer classes, I say, that it would be a vicious settlement of the question. Therefore, I utterly and entirely disclaim all intention of wishing to provide exclusively by pew-rents for the support of the fabric of the Church; reserving to myself, in the further developement of my plan, the right of suggesting the appropriation of pew-rents, paid by the rich for the support of that fabric, and thus extending the means of religious instruction to the poor.

Another plan to which I shall advert is of a very different character; and this is the scheme of those who are so surprisingly contented with our vestry system, that they are anxious that Church-rates should remain in their present condition, and only wishing to obtain a little additional authority and control over those who vote the rates, namely, the persons who are called on to pay them. This plan is set forth in some resolutions entered into at a meeting of the Archdeacons of England. I entertain the deepest respect for these gentlemen; but they will, I am sure, allow me to comment freely upon their opinions, as expressed in these resolutions. One of the resolutions is—"That this meeting earnestly deprecates all interference with the principle of Church-rates, being persuaded that no other mode of attaining the same object, equally safe and permanent, can be devised." Now, Sir, if there be any force in the opinion of my noble Friend—if there be any force in the opinion of Lord Spencer—or if there be any force in the opinion of the right hon. Baronet, the Member for Tamworth, in adverting to this subject, it is impossible to acquiesce in this ecclesiastical judgment of the Archdeacons. But, Sir, this is not all. Like the postscript to a lady's letter, the most important part of the communication remains for the last. The second resolution is—"That nothing more is required than additional enactments for better raising or making the rate, and for securing the rate-payer every possible satisfaction as to the faithful application of the money so raised." Now, Sir, let us inquire what may be these additional enactments? Either that power should be given to churchwardens to levy a rate without the consent of the vestry; or to give to the magistrates at quarter Sessions, the power to impose a rate upon parishes, without the consent of the parishioners. Neither proposition can be maintained, or even tolerated, for one moment, let it come from what quarter it may.

I now proceed to another proposition, which I approach with much more of respect as well as of doubt and hesitation; the propositions made by Lord Grey's Government,—the proposition made by Lord Spencer to this House. I must be permitted to discuss that proposition, and state to the Committee the reason why I think it is open to objection; and that the House, though I admit that it contained an improvement of the existing law, would not now be warranted in adopting it. Lord Spencer proposed that a sum of 250,000*l.* should be voted by Parliament for the purpose of maintaining the fabric of the Church. That proposition was submitted to the House. No one proposed, distinctly, to negative it, but amendments were moved to this effect,—"That until it was shown that the funds of the Church were inadequate for the purposes of the Church, the House was not disposed to entertain the proposition." My noble Friend did not persist in his plan. His Majesty's Government feel the utmost respect, of course, for a plan in which so many of them formerly concurred. But I shall take the liberty of stating to the House the reason why I think that proposition, though good in many respects, ought not to be made, and why another and a preferable proposition ought to be adopted. In the first place, the House is to recollect that the present system of church rates is one which allows to the parishioners, in vestry assembled, the power of saying aye, or no, to any proposition for a rate. It is, in point of fact, founded on the constitutional principle of parochial government. I object to this, not on the ground of any injustice, because I think in all communities the majority must have a power of governing on such subjects, but because these vestry meetings lead, as they are calculated to lead to perpetual discord and contest. Still, I say, that if the parishes of England have a free right, as at present they have, to say whether 1,000*l.* or 500*l.* shall be levied from themselves and expended, I am not surprised that they should say, "We don't choose that our money should be expended upon objects in which we are so deeply interested, without our opinion having been once asked upon it." That is the first objection which is fairly applicable to Lord Althorp's plan. It would deprive the parishes of the control they now possess. But there is another objection, which

I think is more powerful, and to my mind appears quite decisive; and I wish my noble Friend, who was a party to that proposition, to give me his attention while I state this objection. In a publication which has recently issued from the press, in defence of Church-rates,—and which has obtained a circulation proportionate to the ability by which it is characterised,—I find it stated, that in 5,000 parishes no rates are levied, and that more than one-third of the parishes of England are free from this burden. I find it so stated, and, though I have no direct evidence of it, I assume the statement to be correct. But I know this confirmatory fact,—that, by the Charity Commissioners' Report, in very many instances in parishes, there does not seem to be a necessity for the levying of any Church-rates at all, because, in those parishes provision is already made, by the endowments of pious persons, for the maintenance and erection of churches. In the county of Norfolk, for instance, there appear upwards of 100 parishes that have some endowments for their churches: I do not affirm, nor do I know whether those endowments are adequate; but to take the extreme case stated, that of 5,000 parishes in which it is said that there are now no Church-rates collected, and wherever there may be an existing adequate endowment, is it fair to tax—which you do if you raise the Church-rates from the general taxation of the country,—is it fair to tax those parishes who have funds adequate to maintain their churches—is it fair to tax them for the support of other churches in other parts of the country? I contend that, there being subsisting endowments in many parishes connected with the established religion of the country, it is unjust, because it is partial, to levy an indiscriminate taxation throughout the kingdom for the general maintenance of the churches. I may be permitted to state one instance in illustration. I find that in the reign of Queen Mary a charter was granted, and considerable property given to a corporation at Sheffield, called the Church Burgesses; that those persons who have now adequate funds for the maintenance of the church at Sheffield, that they do maintain the church at Sheffield, and that all Church-rates at Sheffield have ceased. Would it not be rather hard, in this case, to say to the inhabitants of Sheffield, "You are to make a provision for the maintenance of churches in other places where no such endowments exist?" The difference of religion in the case of Scotland and Ireland will give this argument additional force. It was frequently asked, on the part of Scotland, when Lord Althorp's plan was brought forward,—"Why should we be taxed for the support of the Episcopal Church in England? For, if funds for the maintenance of that church are taken from the general taxation of the country, you do, in fact, compel us to aid in its support." And I think I could recognise something of the old spirit of opposition to episcopacy by which the Scottish covenanters were actuated, in the tone in which some Gentlemen echoed these sentiments. I say, then, of the plan of Lord Spencer, that, though it was a great step in advance,—though it tended to put a stop to the pernicious conflicts which have so long raged between Dissenters and Churchmen,—it was based upon a principle which I cannot admit to be free from all just objection. Nor were the objections entertained to this plan entirely confined to Dissenters. I find in *The Quarterly Review*—a publication certainly in no wise connected with the dissenting body—the following observations:—

> "If the plan be adopted of upholding the churches out of the national purse, and the repairs be charged on the Consolidated Fund, where is the relief to the Dissenter? for the principle by which he is made—indirectly to be sure, but still substantially—to contribute to the maintenance of a building which he never enters, is just in as full force as under a system of rates."

I do not concur in all the arguments contained in the paper from which I have read an extract; but I have no hesitation in asserting my conviction, that, by taking the course here alluded to, we should but have adopted a palliative, and a kind of half measure, which would not have been considered as satisfactory or final by a large body of his Majesty's subjects.

Sir, I have thus endeavoured to prove, that the present state of the law is defective; and, secondly, that the various remedies which have been suggested would not turn out to be effectual. I know I have occupied the House at great length; but I am resolved, even at the hazard of trying their patience, to omit nothing that may recommend the plan that I am about to introduce, or may protect the supporters of that plan from misrepresentation. Sir, the plan of his Majesty's Government—the plan which I am now about to explain to the House—proposes to abolish Church-rates altogether; not for the purpose of leaving the fabric of the Church unprovided for, but with a view of providing for its repair, and maintaining it in a manner equally permanent, equally fixed, as before, but by a mode differing from the present in this main and essential distinction, that while the present system seeks for its support through contests painful in their prosecution, and doubtful in result—while in levying rates it creates religious animosity—we propose to maintain the fabric of the Church without injury to the Church itself, or to any class of persons, and under a system by which these heats and animosties will be extinguished. Our Bill provides for Church-rates out of a surplus to be created by a better management of lands which are now the property of the Church, and in the hands of the archbishops, bishops, deans, and chapters throughout England. Hon. Gentlemen will understand that I do not propose to touch the income, whether in glebe or tithe, of any one of the parochial clergy throughout England; neither do I mean to interfere with the settlement of the income of any archbishop or bishop as fixed and regulated by the Bill of last Session, and recommended by the Ecclesiastical Commissioners. I do not propose to vary any ecclesiastical arrangement made, or proposed to be made, last year. My proposal is, that, out of the lands in possession of the higher ecclesiastical corporations, means may be provided for supporting the fabric of the Church. I think that by this means a sum of 250,000*l.* a-year, at the least, may be secured. Such was the amount proposed to be taken from the Consolidated Fund, by Earl Spencer. If this can be done without injury to the Church, I believe that those who are anxious for the abolition of Church-rates will, and I know that they ought to, be content; and I hope also to satisfy all who are desirous to put an end to contests, injurious alike to Churchmen and Dissenters—two classes who, notwithstanding differences in faith and discipline, should be combined for the attainment of the common object of promoting improvement, religious, social, and political. Sir, I propose to create a commission for the management of the Church estates.

I was sure that the word "commission" would be followed by a cheer from the gallant Member for Lincoln,—as I am sure that light will, to-morrow, succeed to the rising of the sun. But let hon. Members hear a little more. I propose, that there shall be a commission for the management of the Church lands, to consist of eleven persons; of these, five to be of high rank, ecclesiastical rank, namely, the Archbishop of Canterbury, the Archbishop of York, the Bishop of London, the Dean of St. Paul's, and the Dean of Westminster: the others to be the Lord Chancellor, the Secretary of State for the Home Department for the time being, the First Commissioner of Woods and Forests for the time being (for reasons I shall presently explain), and, as in the Tithe Bill, I propose that there be three paid commissioners, one of them to be appointed by the Archbishop of Canterbury, and the two others to be appointed by the Crown. Such is the constitution of the commission that I recommend. Hon. Gentlemen will observe, that the object of the appointment of this commission is solely for the management of the Church lands. I do not propose that the legal estate shall be transferred to them; on the contrary, I think the legal estate should remain as at present, but that the management of the Church lands should, as in the case of the Crown lands, be transferred to these Commissioners. I then propose that the present leasing powers of the Church shall altogether cease. [*Hear, hear.*] Gentlemen will, when they have followed me through my arguments, be enabled to judge whether any injustice, either to the Church or to individuals, is intended. I need not refer to the present system of leasing—the power of taking fines—of granting leases for lives, of leases for years, and the power which the bishops, with the approval of the deans and chapters, possess of granting concurrent leases. All these must be familiar to hon. Gentlemen who may have considered the subject; and, if not, in the course of my address, the proposition I have to make will be sufficiently explained. The greater portion of the income derived from the Church lands is raised by fines upon the renewal of leases. The rents are, for the most part, fixed, and they constitute a comparatively small portion of the income. The Church is thus in the state of a person who lives by raising money upon a reversion, which, where the renewals are made as at present, is decidedly the most improvident of all modes of proceeding. Every hon. Gentleman, at all acquainted with the world, must know that such is exactly the conduct of a spendthrift. I propose, therefore, that the system of levying fines shall be entirely discontinued, and that the present leases be allowed to run out, then to be renewed on certain conditions in reference to their full value. It will be said, no doubt, and said with justice, that if my plan stopped here—if the measure which I have to propose were limited to this condition only—a great injustice would be done to the lessees. They have, in many cases, inherited their leases from their ancestors—those leases have been the objects of mortgage and of family settlements; and they, therefore, may be considered to hold their lands under a qualified species of right. It cannot, of course, be considered as a strictly legal right, but one which, at least, entitles the lessee to some equitable consideration. Our Bill is founded upon the admission of such a principle. For, however great the inconveniences which we wish to remove, we ought not, in endeavouring to remove them, to injure the rights of individuals.

The Bill which I propose to introduce is founded on the principle of giving a reasonable consideration to the rights of the present lessees. We not only propose that, according to the improved value of the lease, the existing tenants of the Church should be entitled to a right of pre-emption, but that such right should be secured by allowing his renewal at five per cent. below the improved value. This is the principle adopted with the tenants of Crown lands; and I propose, with respect to the tenants of the Church, to give them the same advantage. But I am far from satisfied with this—I do not think it fully meets the equity of the case. If we merely continued the system of leases, I think a great portion of our duty would still be unperformed. Any one who has seen—not only in agricultural districts, but in large cities—the course of improvement which is interrupted, and great national undertakings checked, by the uncertainty of church leases, must admit that we could not be satisfied with the regulations to which I have alluded. I propose, therefore, to give the existing tenant not only the pre-emption of the lease, but the power of purchasing the fee-simple of the Church estate, subject to an increased rent payable to the Commissioners. When I say a fixed rent, I mean, that when the rent has once been ascertained, it shall afterwards fluctuate according to the value of corn. It may, therefore, be called a corn rent, and the fluctuations will be calculated upon the principle laid down in the Tithe Act of last Session. I propose that the Church lessees shall be enabled to purchase the fee-simple of the land at the rate of twenty-five years' purchase, the existing leases being valued at the rate of four per cent. If, for instance, a tenant has a lease equal to fourteen years' purchase, that interest shall be estimated at four per cent.: the difference between that sum and twenty-five years' purchase of the improved value of the fee-simple, shall be the amount the tenant will be called upon to pay for the enfranchisement of his land. Hon. Members are not, however, to suppose, that the plan which it is my duty to propose will make it imperative upon every lessee to pay this amount of difference in actual money. In order to facilitate the transaction, I propose that the amount should be commuted into an increased rent, to be added to the rents and fines which are now payable. I offer to the tenant the entire enfranchisement of his land—I offer to make that which is now an uncertain and doubtful tenure a tenure fixed and certain—a tenure in fee simple—one which will secure to the Church not only that which she now receives, but also that surplus upon which I confidently rely as a substitute for the present church-rates. There will also be clauses to enable persons who are life-renters to raise money, as well as to effect the exchange of lands. By these clauses the life-renters will have power to exchange Church lands for others which may be more suitable to their views and enjoyments. Sir, in cases in which persons being sub-lessees hold leases under a covenant of perpetual renewal, or renewal *toties quoties*, their rights will also be regarded, and their interests will be regulated as in the case in dealing with the sub-lessees of Crown estates. The sub-lessee will have the power of appearing before the Commissioners, of proving his interest in the land, and obtaining from them such decision as the justice of the case may demand.

Sir, I have already stated, that, by my plan, the rights of the present dignitaries will not be at all affected; and, in order to provide more especially for such cases, we propose, that if a bishop pleases, he may continue to keep up his receipts as under the present system of fines and rents. There is nothing in the Bill to prevent his continuing that practice, so far as he is concerned; though we hope he may find it more to his advantage to accept the provisions of this Bill at once. But the moment that the present incumbents' interest ceases, their successors will come absolutely under the provision of the Act. Sir, I believe that the funds which the Bill provides will be more than adequate for all the purposes for which this is intended. It is our intention, by the Bill we are about to introduce, to enact that the surplus, after paying the present fines to the bishops and ecclesiastics, and after providing, in addition, for the charge of church-rates, shall form a reserve fund, and shall be applicable to the endowment of small livings. Next, I have already stated that in many parishes there exist local funds applicable to the repairs of churches. I am decidedly of opinion that these funds ought to be brought under the consideration of the Commissioners intrusted with the administration of the Church estates. Those funds we accordingly propose to bring under the control of the Commissioners, though not to vest them in their hands. I have omitted to state that the commission to which I have alluded will be charged with the primary duty of paying over to the Ecclesiastical Commissioners, as at present constituted, the sum of 250,000*l.* per annum, to provide for the maintenance of the Church, the amount of the existing fines. Another source of income which will be brought under the notice of the Commissioners will be the pew-rents. I am very far from being desirous of limiting the attendance of the people on the service of the Established Church, to those who will pay a sum of money for their sittings. Nothing can, in my mind, be more unjust, nothing more injurious, and, therefore, nothing deserving to be more strongly deprecated. It would be most improper to raise, between the poorer classes and their religious duties, obstacles of this description. But, undoubtedly, where pew-rents have been received,—and in all cases where they can justly be demanded from the rich, they ought to be received,—they should be employed for the support of the Church. This is already the case in many parishes of the metropolis. In the parish of St. James, the pew-rents produce a sum fully adequate to the maintenance of the Church; and the church-rates in that parish have consequently ceased to be collected. There are many other parishes in which a similar practice prevails. I propose intrusting the management of these pew-rents, first to a committee elected by the pew-renters themselves, reporting to the bishop and the commissioners: the former will be enabled to take care that these pew-rents shall not be collected in the parish, unless upon the condition that free sittings shall be provided for the poor on a scale more liberal than the present. I know not whether some hon. Gentlemen opposite, who have been taking notes, may be inclined to quarrel with me on this subject: they may possibly object on the ground that they consider the levy of such rents unjust in all cases; but they certainly cannot, with any pretension to truth and fairness, find objection on the score that we leave the wants of the poor unprovided for: on the contrary, it is of the very essence of the Bill that a provision should be made for the accommodation of the poor, and a provision far larger than that which at present exists. The Bill will enact that the minister and churchwardens, with the consent of the bishop, shall reserve, at the least, one fifth part of the seats as free for the poor; and if the same have been usually let previously, then one third, as if the church had been erected under the Church-building Acts; or one half, if pews have not been usually let before. As I observed in the outset, it has been imputed to me, and to those with whom I act, that we are disposed to rob the poor of their rights. The House will now, I think, be satisfied that this accusation is most unfounded. I feel that I am compelled to press this point, because there is none upon which a strong feeling can be more easily, nor, if true, be more justly excited. The provision which it is proposed to introduce into this Bill upon the subject of free sittings in the churches, is, I believe, of a larger and more liberal nature than that which at present exists; and if the only difference which subsists between hon. Members and myself has relation to the subject of extending a greater degree of accommodation to the poor, I do not believe that they can justly quarrel much on this score. They will find me, upon this subject, at all events, ready to carry my principle as far as they may desire. It is also proposed by the Bill which I shall ask leave to introduce, that the whole of the present system of visitation fees, and fees upon the swearing in of churchwardens, shall be abolished. In this respect my proposition is the same as that of Earl Spencer. For my part, I cannot see how any benefit can possibly be derived from the perpetuation of the present foolish system of swearing in churchwardens, when all that is required may be done without expense, either before magistrates or neighbouring surrogates; and, by the alteration I propose, a saving of from 150,000*l.* to 180,000*l.* per annum will at once be effected.

I now proceed to a point of very considerable importance. Hon. Gentlemen must be aware that a very large debt has been already contracted on the security of the Church-rates. Public and private money, both to a very great extent has been advanced. How is this to be provided for? I must say, as one most friendly to the reform of the existing system of Church-rates—I will say, as one feeling deeply convinced of the necessity of maintaining the Established Church,—that it would be unjust to seek to attain these objects, however useful, by proposing that a debt, contracted under the sanction of the ordinary laws of the land, and warranted by Acts of Parliament, should be in any the slightest degree affected or impaired in its security of repayment. Well, then, Sir, as by my Bill there will be an end put to Church-rates absolutely for the future, it will be necessary that the whole amount of debt already incurred by the parishes should be secured on the parochial rates. It would not be just that we should relieve property from engagements already contracted. Those debts should still be made good out of the funds, and by the persons by whom they are now owing. I will not bring forward a proposition founded on any other principle; I should shrink from making any which I believed to be practically unjust, or which contained within itself the elements of injustice. It would be surely most unjust to transfer to one man's shoulders a burthen contracted by another. The parties who now owe this debt, are the parties who are bound to pay it.

Sir, it is now necessary to state, for the satisfaction of the Committee, that, out of the income of archbishops and bishops and other ecclesiastical functionaries, which amounts to 541,000*l.*, my measure only affects that portion which is represented by fines, and which amounts to 260,000*l.* I do not mean to diminish, in any degree, the actual receipts of any one archbishop, bishop, dean, or other dignitary. I have already alluded to the mode by which I expect to obtain an adequate surplus; and, to make a subject which is conplicated in itself somewhat more intelligible, I shall explain it by an illustration. My object will be to prove, that the Committee may rely on obtaining an increased revenue of 250,000*l.* by the introduction of an improved system of managing the estates of the Church. In the first place, I shall be asked on what authority my reasonings rest. I cannot hesitate to name my authority, more particularly when I can refer to a gentleman for whom I have a great respect and regard, and to whose official assistance, on the present and on former occasions, I owe great obligation. I mean Mr. Finlayson—a gentleman whose authority will not be objected to on either side: indeed, on the other side of the House, when hon. Gentlemen wished to oppose our Irish Church Bill, the authority of Mr. Finlayson was, to them, all and every thing. His calculations were laid upon the table of the House, and they endeavoured to prove, from the conclusions to which they led, that our proposition was indefensible. Mr. Finlayson is the authority to which I now appeal. As the question is an abstruse one, I shall rather state Mr. Finlayson's conclusions, than endeavour to follow his reasoning in much detail; but, as I am bound to prove that this sum of 250,000*l.* can be obtained in the way I suggest, those who are prepared to oppose, or to support, my plan are equally interested in giving me their attention. I shall come to the result without going through all the calculations. The point to be discovered by Mr. Finlayson was—the improved rental of the Church lands. This was to be inferred from the value of the fines received; the average subsisting terms; and the rate of interest allowed to the lessees on renewal. From these elements the rental is inferred. Now, taking the leases for lives and the leases for years together, the average subsisting term may fairly be estimated at twenty-four years; the average rate of interest allowed upon renewals may be assumed at seven per cent.: the amount of fines is 260,360*l.* From these data the deduced rental would, I feel confident, be considerably within the mark; and I am satisfied that the fullest investigation would confirm this supposition.

The computations to which I am about to refer are founded on the best data within my reach, and will, I am convinced, be fully confirmed by the actual facts. I have endeavoured to ascertain the real value of this property of the Church from the following elements; the amount of fines received; the average duration of the subsisting terms; and the rate of interest allowed to the Church lessees. Results deduced from thence, by a close and scientific inquiry, have afterwards been brought to a test derived from the actual examination of Church leases in particular dioceses; and the comparison has given a complete confirmation to the theoretical discovery. The fines received are as follow:—

Archbishops and bishops	74,812
Deans and chapters	164,059
Prebendaries, &c.	21,760
	£260,631

These fines are calculated to be distributed in the following proportion:—

Fines on lives	150,671
Fines on terms of years	109,960
	£260,631

Now I am inclined to estimate the subsisting leases as leading to the following results:—

	Years.
Average subsisting leases for lives	29·6
Average subsisting leases for years	15·7

giving a general average of twenty-four years. I assume the average rate of interest allowed at seven per cent.; I believe that the closest investigation would bear out this hypothesis: and from these facts Mr. Finlayson is enabled to deduce the value of the rental of these estates. That rental may be assumed to be, at the very least, 1,323,000*l.*; and in stating this amount I feel satisfied, from Mr. Finlayson's calculation, that I am placing the estimate very considerably below the mark; but even at this rental I can show what is my probable surplus. Assuming the total rental to be 1,323,000*l.* subject to the existing term of twenty-four years, that sum will be represented by an annuity of the amount stated, deferred for twenty-four years. This deferred annuity, turned into an annuity in possession, will be equal to 516,000*l.*, and the amount will consequently stand as follows:—

Immediate income	£516,000
Deduct the fines	261,000
Surplus applicable to church rates and received fund	£255,000

being 5,000*l.* a year more than is required for my immediate object. This operation may be wholly effected, as I anticipate, by the sale of the reversions to the tenants at the rate of twenty-five years' purchase; valuing the subsisting terms at the same rate, by allowing interest at four per cent. But it will be asked me how I can feel certain that the tenants will purchase? Sir, my conviction arise from my belief that it will be the tenants' interest to do so. Let me entreat the leaseholders to consider the proposition which I make them. I propose that, on the conditions I have stated, they shall be permitted to convert their present most uncertain and unsatisfactory tenure into a fee-simple title, subject to a perpetual rent. I have stated the computed rental at 1,323,000*l.*, subject to the annual fines of 261,000*l.* The tenants' existing interest during the present leases would therefore be 1,062,000*l.* Supposing that the increased commuted rental amounted, as has been shown, to 516,000*l.*, the tenants' perpetual interest would amount to 807,000*l.* But what is the actual value of the terminable interest in the perpetual estate? From the best inquiry I have made, I am led to conclude that the highest average value of these church leases cannot be taken at more than twenty-one years' purchase. Now, a net rental of 1,062,000*l.* at twenty-one years' purchase amounts to 22,302,000*l.* But the perpetuity of 807,000*l.* held in fee-simple may be valued at thirty years' purchase: 807,000*l.* at thirty years' purchase amounts to 24,210,000*l.* Thus it would appear that although the tenants should lose in income, their gain in exchangeable value would amount to 1,350,000*l.* These figures are taken as affording the best illustration of my principle; and the practical result will, I feel convinced, bear out the reasoning. Though thirty years' purchase may not be obtained in certain cases for the fee-simple, neither will twenty-one years' purchase be given for the terms; and it is the difference between the one and the other which will determine the question.

If I am asked why I have fixed the rate of purchase at twenty-five years, I reply, that I find that the Legislature has, in an analogous case, acquiesced in this rate. An Act passed in 1827, at the instance of the Bishop of Bath and Wells, to enable him to sell the reversion of an episcopal estate; and it was enacted that the reversion should be sold at the rate of twenty-five years' purchase. It, therefore, cannot be said that I am doing any injustice to the Bishops, or the lessees, in adopting this principle, which has already been sanctioned by King, Lords, and Commons. I may be asked, upon what authority I consider seven per cent, as the average rate of interest allowed upon renewals of church leases? For the present I shall not appeal to other witnesses, but shall content myself to answer this question by reading an extract from a publication of a dignitary of the Church, the Rev. Sydney Smith, bearing on this subject:—

> "The Legislature has not always taken the same view of the comparative trustworthiness of bishops and chapters as is taken by the commission. Bishops' leases for years are for twenty-one years, renewable every seven. When seven years are expired, if the present tenant will not renew, the bishop may grant a concurrent lease. How does his lordship act upon such occasions? He generally asks two years' income for the renewal, when chapters, not having the privilege of granting such concurring leases, ask only a year and a half; and if the bishop's price is not given, he put a son or a daughter, or a trustee, into the estate, and the price of the lease deferred is money saved for his family. But unfair and exorbitant terms may be asked by his lordship, and the tenant may be unfairly dispossessed; therefore the Legislature enacts, that all those concurrent leases must be counter-signed by the dean and chapter of the diocese, making them the safeguards against episcopal rapacity, and, as I hear from others, not making them so in vain."

I may state more generally that the proposition I have made is not without a conclusive legislative precedent; I allude to the precedent afforded by the statutes for the management of the Crown lands. In 1794, the case of the Crown lands was brought under the consideration of Parliament. A report on the subject was made by the Surveyor General of the Woods and Forests, in the year 1797; in which Report it was set forth, as it might be now with regard to the Church estates, that the Crown lands were greatly mismanaged; that there was a great check to all improvement in consequence of the system of leases renewed on fines; and that by such means the rental was wholly inadequate. A proposition was made that the whole of the leases should be allowed to run out—that they should then be re-let; a preference being given to the lessees in possession, at a deduction of one eighth, in consideration of their supposed tenant rights. When this proposition was considered, two statesmen, whose names are entitled to the highest respect, attended as members of the Treasury Board. They took this Report into consideration;—and, to give the utmost weight to the resolution adopted, I need only mention that the members of the Government to whom I allude were Mr. Pitt and the present Marquess Wellesley. So far from having any doubt as to the policy of carrying into effect the recommendations of Mr. Fordyce, the Surveyor General, Mr. Pitt and Lord Wellesley entirely agreed with him; and, indeed, in one point went beyond him. Mr. Pitt thought it unreasonable to give a reduction of one eighth to the tenant in possession. He decided that he could only allow one twentieth, or five per cent.; and this was all the favour which was granted to the Crown lessees in consideration of their claim for renewal. The first principle upon which we now propose to act was thus adopted by the Treasury of 1797, although the same objections were then made by the Crown lessees as may generally be now advanced by the tenants of the Church. A memorial was laid before the Treasury, on the part of the lessees of the Crown, which, from the signatures to it was not likely to have been considered as undeserving of the most serious and respectful consideration. This memorial set forth that their leases were taken, or purchased, under an expectation of renewals, upon the payment of the releasing fine, and a small reasonable increase of rent, in the same manner as the renewals under the Crown were usually granted. The memorial added, that the tenants had acted under the expectation that they had a clear tenant right; that, in reliance on the right, they had laid out large sums of money, in the improvement of the land; and that, by the mortgage of these lands, money had been borrowed, and securities given, for the fortunes of children and the jointures of wives. This memorial is signed by the Duke of Marlborough, and the Duchess of Dorset, Lord Essex, the Duke of Leeds, Lord Balcarras, the Duke of Richmond, and many other persons of influence and importance. I mention this to show that a memorial more entitled to attention, from the names affixed to it, is seldom addressed to the Treasury. But to what did that memorial lead? Did it lead to the result of setting aside the arrangements of Mr. Pitt? On the contrary, these arrangements were persevered in; and the result has been the extraordinary improvement of the Crown lands, as, under the new system, those who possessed the property as tenants, acquired a far more permanent tenure than they had formerly enjoyed. It may be well to mention, before I pass to another subject, that in this memorial the parties state that the terms imposed upon the Crown lessees are so very hard that the lessees will never acquiesce. Now, I have had the curiosity to obtain a return of the number of persons who signed this petition, the number of the Crown tenants interested, and the number of those who afterwards renewed on the terms of Mr. Pitt. From this account I deduce the following curious result;—there were eighty-five lessees represented by the memorialists; and those who refused to renew, amounted to the small number of fifteen only. Fifty-one renewed; and the eighteen remaining were only prevented from renewing solely because their lands were taken for public uses. I have, therefore, in my favour the authority of the Legislature in the steps taken deliberately for the more productive management and improvement of Crown lands; and I have a proof that this step was taken without real prejudice to the Crown lessees themselves. But, in addition to the terms granted by Mr. Pitt, I propose to the Church lessees the more important advantage of purchasing their lands at a fixed and advantageous rate.

Now, Sir, I shall endeavour to bring my concluding observations within as narrow a compass as is practicable. I have first sought to prove, that the present state of the law is wholly indefensible. I have endeavoured to show, that various remedies have been suggested to which objections, more or less powerful, exist. I have endeavoured to describe to the House the nature of the remedy which I propose; and I have finally proved that my proposition comes recommended, not only by reason, but by precedent and authority. I am not one to undervalue the rights of the Church in this matter,—far from it. But will hon. Gentlemen carry their opposition so far as to say that the Church, in reference to its temporal interests, is to be considered as being more sacred and inviolable than the Crown? Will hon. Gentlemen say, that the lessees of the Church are entitled to more consideration than the lessees of the Crown? Surely, both stand precisely on the same footing. The Church property I view in the same light as I view the Crown property. The Church lessees I consider in the same condition as the Crown lessees. And if this be so, we then have got the authority of the Legislature in favour of my proposition. We are entitled to say, that our remedial measures are adapted to the nature of the case, and are supported by the highest precedent. Are we not entitled, therefore, to claim a fair consideration for our measure; and, above all, are we treated justly if it be denounced as adverse to the Church? I know that, when any one from this side of the House expresses his attachment to the Established Church, there is too frequently a disposition manifested by our opponents to signify their distrust of that declaration. Sir, it will be for this measure to speak for itself. It will be for hon. Gentlemen to weigh well the probable consequences of this measure.

I well know the difficulty as well as the importance of all Church subjects at the present time. I feel the difficulty and danger of approaching them. So far back as the year 1237, one of our ancient statutes begins by a solemn warning, *circumspectè agatis, in rebus tangentibus Episcopum.* If this warning was necessary six centuries since, it is at the least as necessary in 1837, in reference to the politics of our times; because, if any person, and more especially a Whig, presumes to touch this subject, except with the greatest circumspection and care, he is exposed to be stigmatised as an enemy to the Church, and as one who wishes to overthrow that Establishment. I assert that, though all will be benefitted, it is the Church that will derive the greatest advantage from the proposed arrangement. Is it nothing that rest and peace should be given to the Church? Is it nothing to the Church of England that a time should arrive when there shall be no more of these annual meetings, at which discord and strife predominate, and at which theological asperities are embittered by a union with questions of money payments? I think all theological controversies are dangerous when they are not approached in the spirit of moderation and charity. But if you seek to add to that danger in the case of any particular church, bind up your theological argument with the imposition of taxation; select as the place of discussion a popular meeting, to which all parties are freely admitted. Continue this system if you wish to endanger, and finally to overthrow, any institution, however sacred. Continue this system if you wish to pervert all Christian charity into hatred and fanatical malignity. If such be your object, perpetuate a system of distraction, which it is the object of my Bill to destroy.

Again, I contend, the Church would have a further and most essential benefit from my proposition. The management of these lands would be taken out of the hands of the Bishops and other dignitaries; and every thing which tends to raise the character of the heads of the Church must improve the condition, and extend the usefulness of the parochial clergy also. I wish to touch this part of the subject very lightly; but, have we never heard of suspicions that proceedings occur with regard to fines and renewals of Church leases, which lower the clergy of this country in public estimation? Does not the mode in which the bargains have been struck,—and further, does not the power which a young bishop, or young dignitary, possesses, of running his life against the interest of the lease,—do not these causes introduce a collusion and a jealousy far from being useful or creditable to all parties? I find the following passage in this pamphlet of the Rev. Mr. Sydney Smith, to which I have already referred. The author is discussing the mode in which the patronage of Bishops is disposed of:—

> "The worst case is that of a superannuated bishop. Here the preferment is given away, and must be given away, by wives and daughters, or by sons, utterly unacquainted with ecclesiastical matters; and the poor dying patron's paralytic hand is guided to the signature of papers, the contents of which he is utterly unable to comprehend."

If this be true with respect to the church patronage of bishops, is it not equally true with respect to the grant of ecclesiastical leases? Will not a plan which puts the leasing power of the Bishops upon a better principle, and removes from our prelates—I will not say all temptation, but—all suspicion,—will not such a plan be eminently beneficial to the Church? Further, if there be an advantage in this to the bishops, I humbly contend there is also an enormous benefit to the lessees. Let it not be asserted, for the purpose of raising an argument here—or let it not be said elsewhere, for the purpose of raising obstacles to the passing of this Bill—that the Church lessee has a defined, legal, tenant right of renewal, capable of enforcement, and one for which he is entitled to claim compensation. He has no such right —he stands precisely in the same position with the Crown lessee. Though almost afraid of the charge of pedantry and presumption in venturing to quote a high legal authority, I must ask permission to refer to the observations of Mr. Butler, in his edition of Coke upon Littleton, upon the question of tenant rights, as bearing on this subject. Mr. Butler observes that—

> "The favour which is shown to old tenants, by granting them a renewal of their leases, preferably to a stranger, has given them, in the eye of the law, an interest beyond their subsisting term, and this interest is generally termed their tenant right of renewal. This is particularly applicable to leases from the Crown, from the Church, from Colleges, or from other Corporations. These circumstances have produced what is called tenant right. Attempts have been made to establish an obligation in landlords to renew, but they have not succeeded. The renewal, therefore, is still a matter of favour and of chance; but is so far valuable, that it enhances the price of the property on sales."

How, then, can that be considered a right which, in the words of Mr. Butler, is thus left to "favour and chance?" I will say, further, that those who are interested in ecclesiastical leases well know to what they are now exposed, and to what they are only compelled to submit. They know not only the amount of renewals, but the charge of fees; and they know, to their cost, that every lease is a matter of heavy costs, payable to the secretaries and officers of the bishops. All this will be necessarily abolished under the proposed Bill. They will also have the power of exchanging Church lands for other lands of equal value, a power which at present they do not possess.

In anticipation of some of the objections which may be urged on the part of the lessees, I ask permission of the Committee to read an instructive passage from a speech which was delivered upon this subject in the House of Commons, so long since as the year 1600; which may give to the shrewdness of modern times some aid from what is called the "wisdom of our ancestors." A Bill was introduced in the reign of Elizabeth, to prevent bishops from giving leases in reversion, until within three years of the expiration of the existing tenure. A country gentleman then stood up, as country gentlemen may now do, and opposed the Bill, contending, that it would be prejudicial to the Church, to the bishops, and to their tenants. His argument was to the following effect:—

> "This Act would be prejudicial both to the bishop present, and the successor, and their servants, and to the bishop's own farmers and tenants. To the bishop present, in the maintenance of his estate, which cometh only by continual fines; which, if they be taken away, then are they not able to maintain that hospitality, or keep that retinue either belonging to their place, or answerable to their living; for consider the revenue of the greatest bishop in England, it is but 2,200*l.* per annum"

Observe, the greatest income then enjoyed by a Bishop was 2,200*l.* a year [Colonel *Sibthorp*.—That was 200 years ago.] Very well. But this is not all; let me proceed. This gentleman thus continued:—

> "Whereof he payeth for annual subsidy to the Queen 500*l.* per annum."

Now, the hon. Gentleman opposite, by his remark, implied, that the income of 2,200*l.* was at that time, equal to what the income of a bishop is at present. [Colonel *Sibthorp*.—Hear!] The hon. Member agrees with me. Very well. But if he contends that the income of the bishops should be raised in reference to the altered value of money, he cannot object to raise the nominal amount of the subsidy on the same principle, and in the same proportion. What bishop now pays one fifth of his income as a subsidy to the State? The speech from which I have quoted, goes on to argue, that it would be a great hardship if the bishops, who were so poorly endowed, and who had a heavy subsidy to furnish,—if they were disabled from providing for their old and faithful servants, by granting them leases in reversion. But the chief ground on which this Gentleman opposed the Bill was the following:—

> "And what damage we shall do both to the bishop and to his successor, his revenue being so beneficial to her Majesty, I refer to all your judgments. To the successor it must needs be more hurtful; for, when he first cometh in, he payeth first fruits, and yet is not allowed to make his benefit by fines, which all bishops' farmers are contented to do, so that he is cast one whole year's revenue behind hand; and, perhaps, hath no power, neither to make leases in twelve or sixteen years. This, Mr. Speaker, will be a cause to induce the ministers of the word not to seek bishoprics, whereby we may bring the clergy both to poverty and contempt, from which they have ever been carefully defended and provided for, even by the most ancient statutes and laws of this realm now extant. Hurtful it is to their servants, for this may be every man's case. We know many good gentlemen's sons served bishops; and how can they reward their long and faithful service, but only by means of granting over of these fines, or some other means out of the spiritual functions. But this Act is good for the courtier; but I must speak no more of that. Lastly, Mr. Speaker, myself am farmer to a bishop; and I speak this as in my own case, (on my knowledge) to the House; that it is ordinary upon every grant, after four or five years ever to fine and take a new lease. But, I refer it to the consideration of the House to do their pleasures herein; only this I certify, that I have the copy of the Bill the last Parliament exhibited to this purpose, which I having compared, together with the present Bill, do find them to be, word for word, all one; and that was rejected;—and so, I doubt not, if the reasons be well weighed, but this will have the like success."

Thus it appears, that it was not because the interests of the Church, or because the principles of public justice, would be compromised by the Bill, that this good Member of Parliament opposed it, but because he was the farmer of a bishop.—[*Hear! hear!*] I am rejoiced that hon. Gentlemen, on both sides of the House, cheer this suggestion; they, therefore, disavow an opposition which rests on these selfish grounds. Those who say, that the whole of this property should belong to the Church, and those who maintain that it should be the property of the lessee, unite in their cheers. But if there be any who maintain that this reversionary value is the property of the Church, then they ought to take it from the lessees; and if the lessees have a legal right to keep it for themselves, then they must not unite with their opponents to give it to the Church. Therefore I may have some chance of the votes of each of these cheerers against the others; and they may support me in sanctioning a vote for the application of their funds to provide for Church-rates; but they cannot, with any consistency, confederate together. Let not those who wish to get this property for the Church, and those who wish to regain it for the lessee, unite; for it cannot, without a miracle, be applied to these two and opposite objects.

The right hon. Gentleman opposite cheers me. Sir, this brings me to consider whether it can be argued that this surplus does or does not belong to the Church. Sir, I maintain, that it does not belong to the Church, but that it does belong to the State, though I only contend for its application to a strictly ecclesiastical use. I have an authority to that effect on my side, and I entreat the attention of the Committee to this authority. I call your attention to this authority, in order that I may protect myself and the Government from the accusation that we are sanctioning or recommending any misapplication of Church property. My first authority may not have weight with Gentlemen opposite, but it is one on which we at this side rely,—it is the authority of Lord Spencer. The case we seek to make out is this;—that when we give, by law, a new value to Church lands, we acquire a right to apply the funds derived from this new value to such purposes as the Legislature may sanction. I have the authority of Lord Spencer for this. That noble Lord in 1833, in introducing the measure relative to the Church of Ireland, said,—

> " Even those who declared that it is unjust and improper to interfere with the revenues of the Church will agree with me, that if by the Act of Parliament which will be introduced, on this subject, any new value is given to benefices, that new value, so created, would not properly belong to the Church; and whatever is raised by it may be immediately appropriated to the exigencies of the State. . . . . I feel, therefore, that those gentlemen who object to any interference with Church property will fully and readily agree to this proposition. If, therefore, as I have already observed, an increased value will be created by the contemplated Act of Parliament, then I have a right to assume that that increased value canot be claimed by the Church. I therefore feel that even those individuals who object to the interference with Church property, or the appropriation of it to any other than Church purposes, may, without any scruple, agree with me in the proposition that, whatever additional proceeds are realised by the new system, may be applied to such purposes as Parliament may think fit."

But, Sir, this is not the only authority to which I can appeal on this subject. I am entitled to claim that of my noble Friend opposite, also (Lord Stanley). Nay, he goes beyond what I contend for. My proposition does not imply that you are authorised to apply the increased value to the purposes of the State generally. I only ask the House to affirm that it may be applied to the purposes of Church-rates,—that is, to an admitted ecclesiastical purpose. My noble Friend has gone further: he maintains the doctrine, that the surplus may be applied, without limitation, to the uses of the State. Then let it not be said, that my plan interferes with, and is inimical to the interests or the property of the Establishment; for it is founded on principles more moderate and limited than the principles of my noble Friend, whose attachment to the Established Church has never been questioned. My noble Friend, in proposing the Irish Church Temporalities Act, proposed to increase the value of Church property, but he also proposed to devote the increased value to state purposes; whereas we propose to devote it to purposes that are definite as well as ecclesiastical:—

> " What is it we propose? That the land shall remain charged with a certain corn-rent; and that the tenant shall have no power, nor the Bishop either, to alter that arrangement. The tenant shall pay a regular sum—a larger sum—the amount to be calculated by a public accountant. To whom, then, shall be the benefit of this payment? The right hon. Baronet the Member for Tamworth says, ' to the Church,' I say, ' to the State.' "

And again:—

> " Why do I say that this is applicable to the State? What is the present value of Church property? The Bishop, by the conditions which you—the State—have imposed upon him, and on which he holds his land, cannot grant a lease for a longer period than twenty-one years. The lease, subject to this condition, if brought into the market, is worth about twelve years and a half purchase. You pass an Act which increases the value of those leases to the extent of seven, eight, or, it may

be, nine years' purchase. Whatever the increased value is, you give it to the Church. She does not possess it without the Act of the Legislature; and I ask if you, by your Act, give an increased value to Church property; has the Church any right, or can she have any claim, to say,—'It is to me you must pay this increased value, which my property never had, and never could have had, but by your Act? I say, it is perfectly consistent with the principle that the revenue of the Church ought not to be appropriated to other purposes, that you should appropriate to secular, or any other purposes, the increased value you now give to Church property, convertible into pounds, shillings, and pence, which it never would have been without your own Act."

I say, it is not competent for my noble Friend to object to the principle on which we act. He may not agree in our plan,—he is not bound to assent to it; but then he is not at liberty to say that we violate any principle, when proposing to increase the value of Church lands. We propose to appropriate the new funds, not to the State, but to the Church. "The bishops," the noble Lord then truly asserted, "cannot grant leases for more than twenty-one years, the value of which lease is about twelve and a half years' purchase. If you pass an Act, which increases the value of the leases to the extent of eight or nine years, are you to give that increased value to the Church; or should you not, rather, when by an Act of the Legislature, you increase the value, give the benefit of it to the State, by applying it to secular purposes?" I do not use the high name, and the great authority of my noble Friend, for the purpose of throwing any difficulty in his way. I admit there is a difference between the two cases of England and Ireland, and no doubt, I shall be told so. Let us hear that argument when the Irish Church Bill comes under consideration. I repeat, I do not use the high name of the noble Lord, and the weight of his authority, for the purpose of embarrassing him; but to meet the charge and the invective directed against us out of doors, and the suggestion that we are actuated by a spirit prejudicial to the Established Church. I contend, on the contrary, that we seek to apply this property to what is strictly an ecclesiastical purpose. Now, in the discussion to which I allude, the right hon. Baronet, the Member for Tamworth, said, he would not object to appropriate a part of the revenues of the Church to what were strictly ecclesiastical purposes; and he admitted, further, that the repair of the Church is an ecclesiastical use. I, therefore, have the authority of both my noble Friend and the right hon. Baronet for my line of argument. I am reluctant to refer to historical facts, or to detain the House by quoting from antiquarian authorities; but to those who love antiquity, I say, look to the origin of Church-rates. Even so late as the reign of Queen Elizabeth, when funds were required for the repair of St. Paul's Cathedral,—what was done? Why the Queen, at once, had recourse to the clergy, and, by imposing a heavy taxation upon the Church, she produced funds, and laid down the principle that the ecclesiastical estates might justly be made to contribute to the repairs of the fabric. The account of the transaction is as follows:—

"In the year 1561 a fire happened in St. Paul's Cathedral, which burnt down the lofty spire, and otherwise damaged the edifice. The Queen, Elizabeth, resolved to have the damage speedily repaired; and what steps did the Queen take to effect this object? 'Being,' as Strype observes, 'church work, she reckoned the bishops and clergy would especially be contributors thereto.' She sent a letter, therefore, to the archbishop, 'that he should consult with the bishops of his province, and the chief of the clergy, to devise among them some convenient way for collecting money from them for that use.' The archbishop accordingly issued his order to the bishop of London, and the other Bishops of his province, 'that they should contribute the twentieth part of their promotions in the diocese of London, and the thirtieth part elsewhere, with the exception of stipendiary curates, and beneficed men, exempt by statute from first fruits, unless they should be brought to contribute by good persuasion of the Bishops, and to pay one fortieth.' Some of the clergy being backward with their payments, Queen Elizabeth's council issued a letter to the archbishop, desiring him to collect the arrears, and informing him that 'further orders' would be taken if the clergy should refuse to pay. Such was the mode adopted by Queen Elizabeth for repairing St. Paul's."

Again in the time of Charles 2nd., many of the leases of Church lands having been allowed to expire in the time of the Commonwealth, and a vast sum by way of fines, being due, and most undoubtedly the property of the clergy of that day, a course somewhat similar was taken. The Church had an undoubted right to these fines in law and justice—the lessees, too, were fairly entitled to be considered in the renewal of their leases. But was either of these principles strictly adhered to? No such thing. Part of these funds were applied in rebuilding St. Paul's, and another portion of the money was wholly diverted from ecclesiastical purposes. Then, again, as to the lessees; so far from any preference being given to those who might have been entitled to consideration, the lessees, who suffered for their attachment to their King and to their Church, were, I am sorry to say, in many cases, set aside; and the incumbents are said to have looked more to their profits as landlords, than to any other consideration. An account of these transactions is to be found in the writings both of Burnet and of Clarendon, and may be referred to as most curious illustrations of the subject now before the Committtee.*

Before I sit down, I will take the liberty of referring to one further authority on this subject, well worthy of our consideration. It may be urged, that such of the petitions for the abolition of Church-rates as come from Dissenting bodies, are entitled to less weight than if they came from members of the Establishment. But the prayer of those petitions I find to be supported by an authority of the most unquestionable orthodoxy—the authority of one of the dignitaries of the Church—a divine of great learning, and great eminence, in the University, of which he was a member and an ornament. I allude to the late Dr. Burton, canon of Christ Church, and Regius Professor in the University of Oxford. His words and arguments are most emphatic, and, indeed, they warrant conclusions going far beyond my resolutions. The following is an extract from his "Thoughts on the Separation of Church and State:"—

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* *Extract from Bishop Burnet's History of the Reign of King Charles the Second.*

"Almost all the leases of the Church estates over England were fallen in, there having been no renewal for twenty years. The leases for years were determined; and the wars had carried off so many men, that most of the leases for lives were fallen into the incumbent's hands. So that the Church estates were in them; and the fines raised by the renewing the leases, rose to about a million and a half. It was an unreasonable thing to let those who were now promoted, carry off so great a treasure. If the half had been applied to the buying of tithes, or glebes for small vicarages, here a foundation had been laid down for a great and effectual reformation. In some sees, 40,000*l.* or 50,000*l.* was raised, and applied to the enriching the bishops' families. Something was done to Churches and Colleges—in particular to St. Paul's in London; and a noble collection was made for redeeming all the English slaves that were in any part of Barbary. But this fell far short of what might have been expected. In this the Lord Clarendon was heavily charged, as having shown that he was more the Bishops' friend than the Church's. It is true, the law made those fines belong to the incumbents; but such an extraordinary occasion deserved that a law should have been made on purpose.

"And with this overset of wealth and pomp, that came on men in the decline of their parts and age, they, who were now growing into old age, became lazy and negligent in all the true concerns of the Church: they left preaching and writing to others, while they gave themselves up to ease and sloth."

Extract from the Life of Clarendon, written by himself.

"The old bishops who remained alive, and such deans and chapters as were numerous enough for the corporation, who had been long kept fasting, had now appetites proportionable. Most of them were very poor, and had undergone great extremities; some of the bishops having supported themselves and their families by teaching schools, and submitting to the like low condescensions; and others saw that, if they died before they were enabled to make some provision for them, their wives and children must unavoidably starve; and therefore, they made haste to enter upon their own. They called their old tenants to account for rent, and to renew their estate if they had a mind to it; so the old tenants and the new purchasers repaired to the true owners as soon as the King was restored, the former expecting to be restored again to the possession of what they had sold, under an unreasonable pretence of a tenant right (as they called it), because there remained yet (as in many cases there did) a year, or some other term, of their old leases unexpired, and because they had, out of conscience, forborne to buy the inheritance of the Church which was first offered to them, and for the refusal thereof, and such a reasonable fine as was usual, they hoped to have a new lease, and to be re-admitted to be tenants of the Church. The other, the purchasers (amongst which there were some very infamous persons), appeared as confident, and did not think that, according to the clemency that was practised towards all sorts of men, it could be thought justice that they should lose the entire sum they had disbursed upon the faith of that Government, which the whole kingdom submitted to: but that they should, instead of the inheritance they had an ill title to, have a good lease for lives or years granted to them, by them who had now the right. But the bishops and clergy concerned, had not the good fortune to please their old or their new tenants. They had been very barbarously used themselves, and that had too much quenched all tenderness towards others. They did not enough distinguish between persons; nor did the suffering any man had undergone for fidelity to the King, or his affection to the Church eminently expressed, often prevail for the mitigation of his fine; or if it did sometimes, three or four stories of the contrary, and in which there had been some unreasonable hardness used, made a greater noise, and spread farther, than their examples of charity and moderation. And as honest men did not usually fare the better for any merit, so the purchasers who offered most money, did not fare the worse for all the villanies they had committed. And two or three unhappy instances of this kind brought scandal upon the whole Church, as if they had been all guilty of the same excesses, which they were far from."

> "If a person is not a member of the Church of England, I can hardly think it right to make him pay for the repair of the fabric, or for any of the appendages of a worship in which he takes no part. I am aware that there is a practical difficulty in admitting this doctrine; because, when the churchwarden goes to collect the rate, it holds out a pecuniary inducement to every person to say that he is not a member of the Church of England; and thus, not only will many parish churches go without repair, but hundreds and thousands of persons may be tempted to tell a falsehood in a matter of religion: it will, in fact, be a man's interest (in a worldly sense) to attend no place of public worship. I have sometimes thought, that the Legislature might reasonably call upon every person in the country, who is now liable to be rated to church and poor, to pay a small annual rate (and it need be but very small) to the maintenance of some place of public worship. It would hardly be intolerant in a Christian Legislature to require that every person in the country should declare himself to belong to some form of Christianity. In parishes where there are no Dissenters, the whole of this rate would be expended, as now, for the repair of the parish church, or for uses connected with the ritual of the Church of England. In parishes where there are several sects, the money would be divided in proportion to the relative members belonging to each sect: and it might be made imperative upon each sect, as upon the Church of England, to appoint some responsible officer, who should account publicly for the expenditure of the money. If it should happen that the Church of England, or any of those sects, did not want that exact sum in any particular year, I can see no objection to its being put by as a fund in case of need; but the rate should be collected every year, and thus no pecuniary inducement given to any person to declare himself a member of the cheapest church. There may be difficulties in the plan, of which I am not aware, and I only put it forward to be considered by others; but, at all events, the payment of Church-rates by Dissenters ought to be abolished. If they feel the payment to be a grievance, it is one."

I have, therefore, the authority of the Regius Professor of Oxford for the course I am pursuing.

I will just say one word, in explanation, before I sit down. If the alternative I propose should fail, viz.—if the lessees should decline to conver their tenures into perpetuities, or if that conversion should produce a sum below my estimate, this contingency is provided for by another mode of raising money. In such event, though I do not anticipate its occurrence, I propose that we should have the power of advancing from the Treasury, upon the security of the Church lands, repayable out of the produce of these Church lands, on the same principle on which advances are frequently made to other public bodies for public purposes. These advances, if required, will meet and supply every possible deficiency. I do not believe that this power will ever be exercised. I do not believe it will be found necessary to resort to such collateral security; but I know perfectly well how our proposition would be dealt with if I had not proposed this collateral security. I know it would have been said—"All your calculations are matter of doubt and uncertainty—we cannot rely upon the realisation of the increased fund you promise us—we shall leave the support of the Church dependent upon a mere contingency." I think I have proved to demonstration, that the proposed Bill would supply the means of meeting every necessity; yet, to obviate all cavil and objection, if it should become requisite to make an advance from the Treasury, to give effect to a measure formed for the purpose of giving peace to the country, and security to the Church, it is but right that such an application of the resources of the State should be sanctioned—should be adopted.

I thank the House most sincerely for the attention they have given me. I know the statement I have made has been extremely long and tedious. But I have had much to explain. I have endeavoured to make that explanation as intelligible as I possibly could. It has been with the view not only of convincing the Committee, but for the further purpose of avoiding misconception out of doors, that I have thought it necessary to go thus fully into the argument. If, by any effort of mine, I can prevent it, I will not allow hon. Gentlemen who are inclined to support me—I will not allow my Colleagues in the Government—to be open to the imputation, that the plan which I have been authorised to introduce, shall be stigmatised as a plan of persons who seek "to deprive God of his honour, or the poor of their rights." The measure is founded on the most conscientious regard to the interests of religion. I have shown to the Dissenter that it will give him a full and effectual relief; and I have shown to the persons who have lent their money, on the security of Church-rates, that their right will be protected, and their claims adequately secured. I hope that I have done all this, but, to do it, it has been necessary to fortify myself with many high authorities—to refer to the former opinions and names of Gentlemen opposed to me. I never allude to names and opinions for the purpose of taunt or vituperation; I have made these references for the purpose of supporting my own argument by the weight of their authority, and the arguments they have advanced. Would that I might hope we could approach this subject without the bias of contentious or party feeling—would that it might be considered simply on its own merits!

Sir, I do not quarrel with the course suggested the other night, by the right hon. Baronet, the Member for Tamworth; I rather rejoice that the suggestion was made by him. It has been readily adopted by me. I rejoice, after the resolution shall have been read, and the explanation given, that the people will have an opportunity of examining their details. I think the interval that must elapse, will prevent a cry from being raised, suggesting either, that we have forgotten the fair claims of the lessees, or that we have forgotten the permanent interests of the Church itself;—that we have undervalued the petitions of the Dissenters, or overlooked our obligations to the established clergy. Under these circumstances, I rejoice that time will be afforded for the full consideration of this important question. I know that it may be difficult to follow a statement like mine, even if it had been recommended by powers superior to those I possess. It embraces a vast variety of matter, on which no hon. Member could wisely pledge himself without full consideration; and I shall conclude by once more humbly and earnestly thanking the House for the very kind manner in which it has listened to me; and by repeating my earnest hope, that a candid examination of my proposition may prove to the two parties whose interests and feelings must be considered, that it is the earnest desire of his Majesty's Government, if it be impossible to produce between Churchmen and Dissenters the "unity of the spirit," that it may at least combine them by the "bond of peace."

I conclude by moving the adoption of the resolution I hold in my hand.

The Chairman then put the resolution as follows:—"That it is the opinion of this Committee, that for the repair and maintenance of parochial churches and chapels in England and Wales, and the due celebration of divine worship therein, a permanent and adequate provision be made out of an increased value given to Church lands, by the introduction of a new system of management, and by the application of the proceeds of pew-rents; the collection of Church-rates ceasing altogether, from a day to be determined by law: and that, in order to facilitate, and give early effect to this resolution, the Commissioners of his Majesty's Treasury be authorised to make advances on the security, and repayable out of the produce, of such Church lands."

Mr. *Hume* wished to know what the right hon. Gentleman meant to do where parishes were in debt? He understood the right hon. Gentleman to say, that the abolition of Church-rates should take place from a certain day, but that where parishes were in debt the same rates as those now in force were to be continued.

The *Chancellor of the Exchequer* said, that where parishes were in debt, those debts must be paid out of a parochial rate to be levied till they are fully liquidated.

The *Attorney-General* begged leave to say that, in the event of a parish being in debt, it was not a voluntary payment; but it was a compulsory payment on a *mandamus* being granted, upon application to the Court of King's Bench. The parish authorities had the power to levy a rate to pay that debt. This case, however, was widely different from that of a Church-rate, which could not be imposed but by a voluntary proceeding; because unless the majority of the rate-payers approved of it it could not be levied.

Sir *Robert Inglis* said, that after the manner in which the attention of the Committee had been excited and sustained by the speech of his right hon. Friend, the Chancellor of the Exchequer, he was certain that no Member could rise on the present occasion under circumstances of greater disadvantage than himself. Though he did not approve of the plan of his Majesty's Government now propounded by his right hon. Friend, it would be more satisfactory to him in the first place to state the points on which he agreed with his right hon. Friend opposite. He concurred with his right hon. Friend in four of the propositions he had laid down this night to the Committee. He must reverse their order, and come first to deal with the last point urged by his right hon. Friend. His right hon. Friend's last proposition was, that under no circumstances would he consent to a separation in this country between Church and State. In that sentiment he most fully and completely concurred; but it ought not to be lost sight of, that much of the arguments brought forward by the Dissenters against the present system of Church-rates might be said to be founded on the existing connexion between the Church and the State. He therefore was glad to have the authority of his right hon. Friend, pledged as strongly as any man could pledge himself, that he would not consent to any separation. The next point to which his right hon. Friend adverted was, that under no circumstances would he ever consent to what was popularly called the voluntary principle. In this declaration he also rejoiced. The third proposition was one in which he felt that degree of interest which fully justified his right hon. Friend in appealing to him upon it. The proposition was, that he never would consent to any measure which would deprive the poor of access to the religion of their country. There his right hon. Friend had touched on a point deeply interesting to the poorer classes of the community, who, because the gospel was preached to them, valued the religion of the land of their birth. The fourth proposition of his right hon. Friend was, the immense importance of the subject—a subject on which he stated that he almost forgot himself in its consideration. He would not use that expression in the way of taunt to his right hon. Friend, but there had been those now connected with his Majesty's Government who had not only forgotten themselves, but had also forgotten their own previous arguments. His right hon. Friend had said, that he would first consider the evils of the existing system of Church-rates, and that he would then state the proposed remedies for those evils. Now, though he admitted that those evils were undeniable, yet he was not prepared to recommend the doctrine propounded by his right hon. Friend—a doctrine most hazardous in principle and calculated to be destructive of all Government. The principle of resisting the law until the law should yield was not new, though it had a most injurious tendency. And yet such was the substance of the argument of his right hon. Friend, who had instanced the augmented numbers of the opponents of the existing system, as an argument in favour of the proposed change, ought his right hon. Friend not, rather than so give way, say that so long as the law exists so long shall it be enforced, and therefore his right hon. Friend had no right to make the resistance of the law a ground for its repeal. The case of Sheffield, with its endowed ecclesiastical corporation, had been cited by the right hon. the Chancellor of the Exchequer, but might well be removed from the arguments he had adduced, for he would ask his right hon. Friend whether out of the whole population one person in a hundred had refused the payment of Church-rates? Yet the right hon. Gentleman not merely asked the legislature to abandon the law, but to repeal it. If the ecclesiastical report which had been cited was worth anything, it was worth double the value which the right hon. Gentleman had placed upon it; for it not only showed the evils on which the right hon. Gentleman relied, but also the remedies to which he had avoided any allusion. But the great question was, not the detail of the plan now laid before the House, for the right hon. Gentleman had stated that hon. Members could not now be expected to meet him on those details. He had claimed a right to be judged by his actions, and not by any prejudice raised out of doors—he had prayed that he might not be met by the cry of "The Church in danger." Now he would ask the right hon. Gentleman to read the petitions presented against Church-rates by those whose opinions he professed to respect—he asked him if they did not state their objections to a Church Establishment, and he would also ask him if it was not as belonging to that Establishment that Church-rates were now attacked? It could not be denied that the objection did not lie to the amount of Church-rates, but to the principle on which they were based. The objection to that principle went against the Church as an Establishment, and went to destroy its nationality. If the plan of the right hon. Gentleman were adopted to-morrow, though a fund might be found sufficient for all Church purposes, yet the nationality of the Church of England would be destroyed, and it would be considered as a Church not supported by the nation, but by itself. He would not then enter into the question respecting the law of Church-rates, or the mode of collecting them, but he would contend that they formed a portion of the estates of the Church, and that she held them by a tenure which was older than that which secured the title of any other property whatever to its possessor; and that those rates were held by the Church for the purpose of maintaining the worship thereof. Long before the House of Commons existed as a body, the Church had a right to this property, and there was not a house or an estate in England which had been bought and sold that had not been bought and sold subject more or less to payment of Church-rates. He would ask any hon. Gentleman whether he had not himself purchased his house, or occupied his land, with a distinct statement on the part of the person from whom he received his property that it was subject to such an outgoing? He would then ask whether it was consistent with common sense, and, he would add, with common honesty, for the party who held the property to turn round, and say to those who had this interest in it, "our conscience will not permit us to respect your interest, or to pay this rate?" He was quite willing to have the case decided by the customary condition of bargain and sale; and if his right hon. Friend, the Chancellor of the Exchequer, would appeal to any given number of auctioneers in London, he would find that the outgoing of Church-rates was always taken into calculation, as well as the outgoings arising from the sewer-rate, the poor-rate, or any other rate. Could it then be deemed consistent with common honesty, that a Dissenter having purchased a house under the condition that he should pay so much less to his landlord because he would have to pay Church-rates, should say, that although his conscience would not prevent him paying his rent, yet it would not allow him to pay the Church-rates? He believed that no hon. Gentleman, whether Churchman or Dissenter, would defend such a course as that. Let them object if they pleased to church-rates or to tithes on political grounds, and he believed the objectors to the latter were fewer than those who objected to the former; but let them not, whatever objections they might urge against the one or the other, put those objections on the ground of asking for a relief on the score of conscience. It was utterly inconceivable that property which a man held to-day subject to the payment of Church-rates should cease to be so if transferred to a Dissenter to-morrow. Absurd as was this doctrine, it had been stated, but nothing could be more delusive. If carried into practice, it would be at once a premium for hypocrisy, an encouragement to dissent, and a penalty on adherence to consistent principle. He believed no one would attempt to defend it, or, at least, could defend it, either in or out of the House, by sober argument; and he was glad to observe that his right hon. Friend recognised the truth of that opinion. Under this view of the subject, then, resistance to the payment of Church-rates was unreasonable and indefensible. It was unreasonable also that the oldest tenure of Church-property should be hazarded, and, what was much more important, that the existence of the Church as a national establishment should be put in jeopardy, and that the recognition of the Church as a great state blessing should be compromised. The national existence of the Church was compromised, he might say almost sacrificed, by the plan of his right hon. Friend. By that plan the Church was made to support itself, and he defied the right hon. Gentleman to come to any other conclusion than this—that the nation as a nation would cease to recognise the Church in the character of a national establishment, if all persons who professed not to be members of the Church of England were to be relieved from all contributions to Church-rates as now levied, or to any distinct fund for the same purpose. It was not necessary to follow his right hon Friend through all the remedies he had mentioned. He had abandoned four: he had given up the proposition of annihilating Church-rates; he would not throw the Church-rates upon the clergy; he would not throw the expense of the repairs of the Church on the pew-rents; and he had with perfect justice repudiated in like manner the throwing of the present expenses, defrayed by the Church-rates, on the Consolidated Fund. But his right hon. Friend had spoken of the latter remedy as a kind of make-weight to his other plan, and it was argued, that in proportion as the consolidated fund was touched, would the conscience of the Dissenter be violated, because, whether he paid a farthing, or the sixth part of a farthing, he would still pay just so much towards this "odious impost." How far the plans of his Majesty's Government would satisfy the lessees, was to him but a very minor point; his interest was much more excited in behalf of those who had no direct representatives in that House, as the lessees had—he meant the Church and the clergy. He was more anxious about them than he was for those hon. Gentlemen opposite, whose welfare his right hon. Friend wished to serve, particularly those hon. Gentlemen who came from the northern parts of the country. But he would remind all those who were so anxious to deal with Church property, that they ought to feel they were dealing with the property of those who had no regular representatives in that House. The great principle of appropriation having been decided in that House last year, and the House, or rather Parliament, having assumed the right of transferring the property raised in one county or diocese to another, it was, perhaps, of less consequence now to observe, that the right hon. the Chancellor of the Exchequer had proceeded on precisely the same principle, though on a smaller scale, in settling the question of Church-rates. He apprehended that he did not misunderstand his right hon. Friend in supposing that he had stated that 50,000*l.* a-year, some said 70,000*l.* a-year, was raised in the different parishes of England, from the estates vested in each for the repairs of the Church; and that sum, it appeared, was also to be taken and merged in the great gulf, which his right hon. Friend was now opening for the destruction of Church-rates. Had not his right hon. Friend also proposed, that the improved rents should be paid over to the Commissioners, and was he not thereby departing from a principle which he had professed to respect? It might be considered as a matter of minor importance, but it affected a great principle. In substance, he objected to the plan of his right hon. Friend, because it would go to destroy the national character of the Established Church, and to release the nation from its present obligation to support that Church; and because it would discourage, instead of support, the principle of a national Church, which had been hitherto considered as part and parcel of the Constitution. He could not conceive that this plan would in any degree give increased stability to the Church, although it had been said it would. There was but a very small minority of the parishes in England in which Church-rates had been successfully resisted, and he believed that many of the most respectable Dissenters would be found amongst those who supported the Church, and paid the rates. One of the petitions which he had that evening presented to the House, was signed by a numerous body of Dissenters, who did not consider it to be at all inconsistent, or any violation of their conscience, to pay tribute to whom tribute was due; and he wished the doctrine of that great man among Dissenters, by whose name they most claimed a title to respect—he meant Matthew Henry—was more generally and strictly adopted and acted upon by those who professed to be his descendants, or to belong to the same body of which he was an ornament. It had been well observed, in a former part of the evening, that our Saviour worked a miracle to pay tribute, at a time when the seat of authority was filled by those of whose principles and practice he did not approve; and Matthew Henry had, in his *Commentaries on the Scriptures*, expressed himself in such a manner upon that part of our Saviour's life, that he must venture to tell it to the House, begging them to remember that he was not quoting a Churchman, but a Dissenter, and that the argument was not one of his, but of one of the great leaders of dissent, Matthew Henry, who said, that at the period alluded to in New Testament history, the temple had become a den of thieves, and the temple worship was made a pretence only for evil purposes; but, continued this commentator, "church dues, when legally imposed, are to be paid, notwithstanding the existence of Church corruptions. We must take care not to use our liberty as a cloak for covetousness or licentiousness. If Christ himself, the great founder of our holy religion, paid tribute, who shall object to do the like?" He trusted, then, that those who spoke so much of conscientious scruples, would consider how far they could sustain their argument against the authority of Matthew Henry, one of their great leaders, or against the great example of Him who ought to be considered as the great leader of all who professed to be Christians. He would not attempt to go further into the scheme proposed by his right hon. Friend, but he would reserve any observations that might be necessary to a future stage of this discussion. He had, at least, endeavoured to show his right hon. Friend, that while he was anxious to agree with him, and hailed with satisfaction and thankfulness several of the propositions which he had discussed, he could not agree to the general proposition upon which the measure was founded. The first position which his right hon. Friend had taken was, on the popular dislike to Church-rates; but did not that resolve itself into this proposition—"Resist the law, and it will be repealed?" Unless they were prepared to strictly maintain the law in the first instance, he ventured to say that this principle would be carried out, until the next thing would be, a demand to be relieved from the payment of rents, on the ground of conscientious scruples.

Mr. *Gally Knight* would not detain the House long, but he wished for an opportunity to express his astonishment at the proposition which had been brought forward by his right hon. Friend. It appeared to him that the scheme was altogether an attempt to get rid of this troublesome question by an act of spoliation on the Church. He had been always anxious to prevent and allay religious contention, and to afford relief to his Dissenting brethren, but he could not go the length of saying that the people of this country ought not to support the Church. Neither could he say, that the Government ought not to provide for the religious instruction of the people; on the contrary, he thought it was their first duty to do that. He thought that any man who lived under the protection of the laws of England might be fairly called on to contribute to the support of those institutions which altogether made England what it was—a more safe and beneficial country to live in than any other. If it was thought just to make a change in the present state of things in connexion with this subject, he must say that the scheme which had been proposed was not suitable for that purpose. The case of Ireland was not at all analogous; the disposal of the surplus in the funds of the Irish church might have been a very wise and beneficial measure, but the Church of England was very differently situated. On the right hon. Gentleman's own showing, there were hundreds of livings in England, in which, after all the provision that had been made, the clergyman was no better paid than the upper servant of a nobleman. If anything was done with Church property, he thought they ought rather to seek some means of increasing poor livings. With regard to the trifling amount of incidental expenses, he could be content to leave them to be defrayed by the zeal and liberality of the congregations concerned, but he must contend for the principle that the support of the Establishment ought to come from the country. The right hon. Gentleman had said that no other plan could be presented to the House. He was convinced that no scheme for alienating Church property could be brought forward consistent with common honesty. The present proposition proved that there was a change in the opinions of the Government, and that they were prepared to go still farther; indeed, they appeared to have entered into a fraternisation with the foes of the church. If his Majesty's Government intended, as by this measure they seemed to intend, to give satisfaction only to one party, to make the reciprocity all on one side, then he thought that they would have betrayed the trust reposed in their hands.

Mr. *Lennard* said, that as he had presented several petitions on this subject, he was anxious to say a few words. The proposition made by his right hon. Friend had been brought forward in so clear and lucid a manner, that he had no difficulty in giving it his unqualified support. He hailed the measure as one calculated to remove, or rather to prevent, growing strife and animosity in the different parishes of England. The hon. Baronet had spoken of the few parishes in which there had been a successful resistance to Church-rates, but he seemed to have forgotten that a still greater resistance to them would take place unless this or some remedial measure were passed. His right hon. Friend had compared the resistance to Church-rates to the plague-spot which would spread throughout the whole country; and the hon. Baronet, the Member for Oxford, should remember how much animosity and strife would increase along with that spread of resistance to this impost. He believed the burden of the great mass of petitions that had been presented to the House on this question, would be found to be an earnest desire on the part of both Churchmen and Dissenters to be relieved from this source of continual discord. He hailed the measure as one which would promote the safety of the Church, for while Dissenters were compelled to pay Church-rates against their will, they must necessarily have their feelings excited against the Establishment. Intentions and motives had been imputed to the great body of Dissenters, in which the very spirit of goodwill and tolerance had been violated. Mr. Fox had condemned such a course of dealing with persons of an opposite opinion in a masterly manner, and he would recommend hon. Gentlemen to look at the lessons laid down by that great man. After some further remarks in praise of the measure, the hon. Gentleman concluded by saying that he hoped it would be consented to, and that the settlement of this great question would no longer be delayed.

Mr. *Goring*:—It is with extreme reluctance that I find myself compelled on the present occasion in opposition to those Gentlemen I generally find myself able to support, but considering that in the measure which is now brought forward, notwithstanding the manner in which the right hon. Gentleman has varnished his tale, that a most unjust aggression is made on Church property, and that I am called upon to make a sacrifice of principle to expediency, I shall not one moment hesitate. I am anxious as far as possible to relieve the Dissenters from any real grievances, but will never consent to do it to the injury of the Established Church. I supported the measure brought forward in 1834 by Lord Spencer, because I thought it would relieve the Dissenters from those grievances of which they complain with justice, and provide for the proper maintenance of the Established Church. By the present proposition you are depriving the Established Church of one source of emolument without giving any adequate equivalent, except from its own resources, infringing on that alliance which exists, and which, I trust, will never be dissolved, between Church and State. I do not think the Church possesses more than an adequate sum for its support, and that the money you now propose to take is required to afford a sufficient maintenance to the working clergy, and in this argument I am borne out by the speech of the right hon. Gentleman; therefore I cannot consent that it should be applied in lieu of Church-rates, to enable you to give, however you may disclaim it, what I consider a first instalment to those who advocate the voluntary principle.

Mr. *Plumptre* could not agree in opinion with the right hon. Gentleman that this would be a healing measure, or that it would be productive of the great benefits which the right hon. Gentleman professed to anticipate. He had been in the habit of hearing this kind of language uttered in reference to many measures which however were not found to verify the promises with which they had been propounded. What guarantee was there, if this measure were granted, that the Dissenters would not come forward and demand on the same ground to be exempted from the payment of tithes? He had never listened in the course of his whole political life to any statement coming from a Member of his Majesty's Government with so much astonishment as to that which had been uttered this evening by the Chancellor of the Exchequer. He alluded more particularly to the first part of the proposition, which really seemed broadly to avow the principle that a tax being once considered unpopular by any section of the King's subjects, and even a shadow of argument being conjured up in favour of its abolition, it was the duty of Government at once to give way. That such a course should be propounded by a person in the responsible and important situation of Chancellor of the Exchequer seemed to him extraordinary, if not unparalleled in the history of the country. His hon. Friend, the Member for the University of Oxford (Sir R. Inglis) had truly stated that the petitions to that House which had been got up on this subject had not been confined in their prayer to the abolition of Church-rates. They avowed an open hostility to the Established Church; and he begged leave, in connexion with this subject, to read an extract from a letter addressed by a Dissenter, known to himself, of respectability and talent, addressed to a Churchman of the same character in the City of Canterbury. The letter was headed "Church-rates," and it contained the following paragraph:—"Our sentiments materially differ. You hold that a national episcopal establishment is consistent with Christianity, and advantageous to the commonweal. I am equally firm in my persuasion that a national establishment in particular has inflicted great and manifold evils on true religion." Now, after such a statement as that, introduced too, under the head of "Church-rates," he wanted to know what security they had that Dissenters, encouraged by the concession and conduct of the right hon. Gentleman opposite, would not come forward by and by boldly to require the demolition of the Church Establishment altogether? The object openly professed by too many Dissenters at present, was not the abolition of Church-rates, but the abolition of the Church Establishment, and the right hon. Gentleman, and those who agreed with him in the proposition which he now made, did undoubtedly afford too great an encouragement to that party. Viewing it in this light, as most dangerous to the Church Establishment, he, for one, should give the measure his most determined opposition.

Mr. *Aglionby* hoped, and believed, that the measure of the right hon. Gentleman would give great satisfaction to the country, and prove one of the most healing measures ever brought forward by a liberal Administration. He only rose for the purpose of putting one or two questions on which the country should have full information, affecting the holders of ecclesiastical leases. He wished to know whether in the calculations made by Mr. Finlayson or by the Government any difference had been contemplated between the leaseholders under bishops, and those under the deans and chapters? One part of the right hon. Gentleman's speech induced him to believe such had been the case, and yet he was not altogether sure that he had duly adverted to the fact, that in the case of bishops, a young bishop might run his life against that of the leaseholders, while in the case of the deans and chapters there was almost a moral certainty of renewal, because the more elderly members of that body were anxious to renew, that they might have the benefit of the fines during their lives. In the latter case, therefore, the certainty of renewal being greater, the marketable value of the lease would be higher than in the case of bishops' leases, and he wished to know whether that had been taken into consideration? He begged also to inquire whether the new valuers would have to estimate the actual value at the time, or whether a given number of former fines should form the groundwork of the assessment? And whether the principle laid down and adopted four years ago with respect to bishops' leases in Ireland would be adopted in the present instance? In Durham, Cumberland, and Northumberland, a large portion of the land was held under leases of this kind, and it would be very desirable that sufficient time should be given, in order that the opinion of those parts of the country should be taken upon particular parts of the measure.

The *Chancellor of the Exchequer* said, that his proposition was common to leases under bishops, and deans, and chapters, his calculations having been founded on a reference to the whole of the ecclesiastical property in that respect. With reference to the allowance to be made to lessees in possession, he must say it was difficult to go into that part of the case without a much more full exposition of the details of the plan than he could now profess to give; but his principle was, to offer such terms to existing lessees as must obviously make it a matter of great advantage to themselves to accede to one or other of the alternatives proposed. He did not think he could adopt the provision of the Irish Bill with respect to bishops' leases in this measure. With respect to the other point touched on—the extent of time which should intervene before the final settlement of the matter—he quite agreed with his hon. Friend. The people throughout the country should undoubtedly have the means of accurately judging of all the details of this measure. What he, therefore, proposed was, that they should report progress, and resume the Committee on Friday next. When the decision of the House had been pronounced upon the resolution, he should, as soon after as possible, introduce his Bill. The Bill should then be printed—the resolution itself would, of course, only express the principle, on which the Bill would be founded. The Bill would then be circulated throughout the country, and sufficient opportunity allowed for comprehending and canvassing it before the sense of the House was taken on its details.

Mr. *Goulburn* did not rise to enter into the general discussion after the understanding which had been come to that it should be postponed to a future occasion, and he was sure no one who heard the right hon. Gentleman's statement could doubt the justice of the application which was made to him yesterday, that he should not call for an immediate decision on the merits of his proposition, involving as it did principles of the greatest importance, as well as a great variety of details which required time for consideration even by those who were prepared to acquiesce in the principle. He merely rose that it might not be supposed by his silence that he in the least degree acquiesced in the principle of the right hon. Gentleman's proposition, which went, if he understood it aright, to divest the archbishops, bishops, deans, and chapters of the property they possessed, and vest it in the hands of Commissioners, who by running out the leases on that property were to receive its full value in order to make present provision for the payment of Church-rates; part of the fines being paid to the bishops, the remainder was to be applied to Church-rates. There was another point. The right hon. Gentleman proposed that, during existing interests, parties should retain all the powers they at present possessed of leasing those lands.

The *Chancellor of the Exchequer:* I did not so propose.

Mr. *Goulburn:* He certainly understood the right hon. Gentleman to say so; at least with respect to the existing bishops granting leases.

The *Chancellor of the Exchequer* said, with reference to existing bishops, the rents now reserved should be paid as before, and the surplus carried to the common account, or they might elect to take the average of the fines forthwith.

Mr. *Goulburn* continued: Then out of what fund would the money be paid as an equivalent for the fines they would have received if they had continued to grant leases? This was more essential with respect to deans and chapters than with respect to bishops; because in the case of the bishop the lease depended only on one life, whereas in the other case, it depended on the lives of the whole body. He also wished to know how, until funds were available for the arrangement proposed, Church-rates could be provided for? He only desired that the subject should be fully understood: for the present he would forbear entering into the discussion of any of the details, contenting himself with protesting against the principle of the plan proposed by the right hon. Gentleman.

The *Chancellor of the Exchequer* felt confident that the terms of the proposition would at once be accepted generally by the lessees, which would produce the annuity of 516,000*l.*, enough to pay the present fines, and also the 250,000*l.* required for Church-rates. But if that were not the case, there would be the funds arising out of all those leases, as they fell in, the power of charging annuities on the lands, and, if necessary, advances might be made from the consolidated fund to cover temporary deficiencies.

Mr. *Goulburn* wished to put another case. There were funds in many instances left by pious and benevolent individuals specifically for the purpose of maintaining the fabric of the church in their particular parishes. Did the right hon. Gentleman propose to transfer the management of those funds from the trustees in whose hands they were placed to the general Commissioners, to be applied by them to general church repairs in other parts of the country?

The *Chancellor of the Exchequer* was glad that question had been put so distinctly; he should give at once a distinct reply to it, in order that no apprehension might prevail on the subject. Nothing in the world could be more unjust—nothing could be more foreign from his intentions, than that those parish estates should be seized and confiscated, and thrown into the hands of the Commissioners, for the purpose of applying them to the general repairs of churches throughout the country. Such a course would be quite contrary to the intention of the testators; all he wished was, that there should be a general power of control exercised by the Commissioners, in order, for instance, that the bishop might see that those local funds were duly applied to the maintenance of the particular parish church before any additional advances were made for that purpose.

Colonel *Sibthorp* wished to know how

many assistant-commissioners would be appointed under the three paid general Commissioners, and what would be the salaries of each?

The *Chancellor of the Exchequer* assured the hon. and gallant Gentleman that there would be no necessity for a large establishment of Commissioners in this instance. He had no wish to fix high salaries—in fact, he wished to leave that matter entirely with the House.

Mr. *Hume* highly approved of the principle of this Bill. He had objected to Lord Spencer's plan of commuting the Church-rates and charging them on the Consolidated Fund, and he was pleased to find that four years' reflection had convinced the right hon. Gentleman and his colleagues in the Government, that that plan was untenable, the reasons assigned to that effect on the present occasion by the right hon. Gentleman being precisely those which he had urged on the former occasion. A few years had effected a great change, and they had now, he was pleased to think, come round to him. He was bound, therefore, to express his entire approbation of the principle of this measure because it placed the burden of maintaining the fabric of the Church on its own property. In that view it would produce the most healing effect. The present system was at once most unjust and oppressive. The Church he was quite sure, would stand better in public esteem having once got rid of this grievance. Dissenters called for no further concessions. He had been with 400 delegates, representing 700 places, who fully and deliberately resolved that they should have nothing to do at present with anything but the question of Church-rates. They had no intention to ask for anything more at the present moment. Did he mean to say they would always continue of that opinion? He had seen great changes within a few years, and he, for one, should not be at all surprised to see the right hon. Baronet opposite sitting on that (the Ministerial) side of the House, and positively out-doing and outstripping the present Administration, and, therefore, he maintained they should not now refuse justice to those who were entitled to it because hereafter individuals might come forward and demand that which they thought would be unjust. Dissenters at present put everything else into abeyance, in order that they might not embarrass Ministers on this question. And they were right. But the plan had been objected to because it took away, it was said, from the property of the Church. What property? The right of putting their hands into the pockets of the Dissenters for their own purposes. The hon. Member for Kent (Mr. Plumptre) had represented Dissenters as a small inconsiderable body; he ventured to say they were more numerous in England than Churchmen; but if they were only one-tenth of their actual number what right had the Legislature to continue this unjust exaction, this oppressive tax, this mark of degradation upon them? There was only one part of the plan he did not like—the allowing debts which he admitted had been received on the credit of the Church-rates for the building of Churches to remain for the next thirty or forty years payable by Dissenters. All debts contracted for the benefit of the Church, he maintained, should be paid out of the property of the Church, and he hoped the point would still receive the consideration of Government. He thought, if the calculations of the right hon. Gentleman were well founded, and he believed them to be so, a complete case had been made out in favonr of the plan, and its adoption by the Legislature would, he was sure, do much to strengthen the position of the Established Church in the country.

Sir *Edward Knatchbull* would not be tempted, even by the speech of the hon. Gentleman who had just sat down, to enter into the general discussion of this subject, although he could not but think the House was under the deepest obligations to him for having so explicitly declared himself. The hon. Member had undoubtedly let the cat out of the bag, and exposed the designs of that party he represented in that House. He merely rose to put a question to the right hon. Gentleman with respect to pew rents. If he understood his proposition, it amounted to this—that in the Churches throughout the kingdom a certain portion of pews should be set apart for the poor; and to that provision he gave his most hearty support; but with respect to the remainder, a pew-rent was to be exacted of all who were not included in the description of the poor. Was that really so?

The *Chancellor of the Exchequer* said, there were certain rights which undoubtedly would be respected. After an abundant and more extensive provision had been made for the poor, the remaining pews should be the subject of arrangement between the respective parties themselves and the clergyman or bishop.

Sir *Edward Knatchbull*:—Would the farmers and those attending the parish churches throughout England be subject to pew-rents, with the exception of some legal rights?

The *Chancellor of the Exchequer.*—There was some difficulty in entering into the details at present; but there would be a classification of pew-rents in this way:—those who had rights which could be legally Established would, of course, have them respected—the poor in all cases would be provided for; and the intermediate class would, with the approval of the Bishop, make their own arrangements.

Mr. *James* thought, that the Chancellor of the Exchequer had done right in taking the management of the episcopal incomes out of the hands of the Church. He particularly approved of that part of the right hon. Gentleman's plan, which he thought likely to obviate that carelessness and improvidence in the management of the leases which would otherwise inevitably prevail.

Mr. *Forster* approved of many of the provisions of the plan submitted to the House by the right hon. Gentleman, but his hopes of the establishment of religious peace in many parishes had vanished when he heard that portion of it directing that the claims on parishes with regard to Church-rates now existing should be discharged. The popularity of the impost would not be increased by blending it with the poor-rates, nor would it be rendered more secure by being made to depend on a writ of *mandamus* in the court of King's Bench, instead of a vote in the vestry, as heretofore.

Viscount *Sandon* complained of the expression employed by the Chancellor of the Exchequer in styling Church-rates rather a privilege enjoyed by the Church than a property possessed by it. If they were regarded as a mere privilege, how came it that a debt of 800,000*l*. had been contracted on their security alone? The truth was, that they were an ancient and recognised burden on the landed property of the country, which was taken into account in every sale of land. Since this was the case, he hoped that, however anxiously they might wish to remove every grievance attendant on the present mode of levying them, they would not consent to transfer this charge from the landed property to the revenues of the Church. The Church Commissioners represented the destitution existing in the Church of England to be very great, and also declared that the Establishment was totally inadequate to supply the spiritual wants of the existing population. Yet it was proposed by this measure seriously to impair the resources of the Church, and to curtail even the means which it now possessed to supply the acknowledged deficiency of religious instruction. The right hon. Gentleman said, that this measure did not diminish the patrimony of the poor; he (Lord Sandon) maintained that it deprived the poor of the only patrimony they possessed; that it withdrew not only from the existing poor, but from millions who would come after them, their only hope of possessing the inestimable blessing of an efficient and well-endowed ecclesiastical establishment. This measure was introduced solely to propitiate the Dissenters, who formed a very small minority of the population, amounting by their own calculation, as given in the *Congregational Magazine*, to about 1,000,000 only, not including the Wesleyan body. It would relieve the scruples only of an inconsiderable portion of the community, and would remove a burden from the landed property of the country which had existed from time immemorial. He should be glad to support any measure which would promote religious peace, but he thought that it would be paying too great a sacrifice for it to deprive the poor of their only property. He could not allow the discussion to close without mentioning the objections which he entertained to the plan brought before them, and he thought it right that the country should know the real character of the measure.

Viscount *Howick* regretted that the noble Lord had not thought proper to follow the example set him by the speakers who had previously addressed the House. He thought the noble Lord had invidiously misrepresented the character of the measure: he was not afraid to discuss its provisions with the noble Lord; and he could not let the occasion pass without correcting some of his misconceptions. The noble Lord complained that his right hon. Friend (the Chancellor of the Exchequer) had termed Church-rates rather a privilege than a property of the Church; yet what were they but a tax voluntarily imposed on the parishioners by themselves. A great many parishes had refused by a vote of their vestries to impose this tax on themselves; and it must be regarded, not as a *bona fide* charge on the land, distinct from the Church, but an ancient mode of taxing it for the benefit of the Church. The noble Lord had asked how a debt of 800,000*l.* could be raised on the security of Church-rates if they were a mere privilege of the Church, the burden of which the people voluntarily took on themselves; but he might as well ask how it happened that a national debt of 800,000,000*l.* had been raised, depending on no other security than the consent of the people of the country to tax themselves to discharge the obligations which it imposed? The noble Lord supposed that Church-rates must be regarded as the property of the Church, since the amount of them was always considered in transfers of landed property. Why, when a man bought a house in London, the first question he asked was, what was the amount of the public and private taxes, and both were taken into consideration. No doubt the amount of Church-rates was considered in all sales of property, but so was the amount of Poor-rates. The noble Lord complained of the measure as extinguishing those dormant funds which might be applied hereafter to the extension of the Church, and had referred to the report of the Ecclesiastical Commissioners to show the great necessity of a fund suitable for that purpose. Now, if the noble Lord had perused the whole report, he would have found that the Commissioners had not considered it proper to apply these dormant funds to the purposes of Church extension. The episcopal members of the Commission, as well as those who belonged to his Majesty's Government, had felt that for the purpose of extending the Church, they could not venture to propose a measure which would of course be viewed with much suspicion by the lessees. The measure which was now proposed would have the effect of considerably increasing the value of the property held by them, and would, it was anticipated, tend to the general relief of the whole country. The noble Lord said it would benefit, not the great mass of the population, but a small minority of it. The Ministers proposed it with no such views. Of course, they were anxious to relieve the Dissenters, as they were to relieve any class of the population who were suffering under injustice, but he concurred in proposing the plan, because he believed in his conscience that it would greatly benefit the Church, increase its security, and augment its influence, as well as relieve the Dissenters. Would the noble Lord tell him that churchmen did not often object to a rate as well as Dissenters. In the case of Manchester, which had been alluded to by his right hon. Friend, a very considerable number of Churchmen strenuously opposed the rate, because they disapproved of the system. It was not, then, a fair or correct representation of the measure to say, that it did not protect the interests of the Church, and that it satisfied merely the unreasonable clamours of those whom the noble Lord termed a small minority. It was intended to remove that which the friends of the establishment had long felt to be a very serious obstacle to its usefulness, and he had no doubt that with regard to the very inferior consideration of the amount of revenue applicable to ecclesiastical purposes, it would greatly benefit the Church. His right hon. Friend had made all his calculations on suppositions so infinitely more unfavourable than the reality, and had thrown so entirely out of consideration the increased value which the measure would give to property, that he had not the smallest doubt that, in a very few years, a large surplus would remain for the extension of the Church, and the augmentation of small livings, an object which he thought of great importance. He was perfectly willing that this question should be debated on the ground of the real benefit conferred on the Church by the plan of his right hon. Friend; and he wished to declare, in the strongest terms it was possible for him to use, his dissent from that which was called the voluntary principle, and his sincere and earnest attachment to the Church of England. He believed that the surest foundation of the Church, as of all our other institutions, was its real utility to the people. Some hon. Gentlemen who had spoken seemed to entertain an erroneous idea that pew-rents would be levied in all parishes. He wished to state that they would never be levied except on the proposal of the minister and churchwardens, sanctioned by the vestry, and in many country parishes there would not be the slightest occasion for imposing them, Power would be given to levy them in those cases where there was a very considerable demand for pews; parties interested might, if they thought proper, levy a rent, with the consent of the diocesan, and in cases where pew-rents had not been levied before, half the sittings would be free.

Mr. *Thomas Duncombe* thought, that the principle of the proposed measure was so just and simple, that he might congratulate the Chancellor of the Exchequer, in the name of his constituents, on having brought forward a plan so satisfactory. The principle on which it was founded was, that the revenues of the Church should defray the repairs of the ecclesiastical edifices and the other expenses connected with them, so that no burden might be thrown on the general taxes of the country. His right hon. Friend had said that he would abolish Church-rates, without doing injustice on any parties; and though the details might be somewhat complicated, the measure he had now proposed would practically abolish Church-rates without inflicting any wrong; and it was clear that the Church would be rather a gainer than a loser by the change. Neither could he perceive that this measure would inflict any hardship on the deans and chapters unless they were so base and sordid as to take unfair advantage of the proposition of his right hon. Friend.

Mr. *Hawes* said, that though he was not disposed to take exception to the measure of his right hon. Friend, yet as his right hon. Friend expected a surplus, he would state that there were many parishes in the borough he represented that were in debt, and as there was to be a surplus, he must set up a claim to a share of it, to be appropriated in a different manner than that proposed by his right hon. Friend. In that parish there was a large debt for building a new church; now he should be very strongly opposed to allowing this debt to remain on the poor-rates; for, taking both Dissenters and Churchmen, what good could accrue from this to the inhabitants of Lambeth? He hoped that the surplus would be applied to the extinction of debt in such cases. He gave his most unqualified approbation to the measure, and was grateful to his Majesty's Ministers for having thus grappled with the difficulties of the subject, and held out the prospect of religious peace.

Mr. *Gillon* said, that when the question of Church-rates was brought forward in 1833, Lord Spencer proposed that the burden should be transferred from the Church-rates to the Consolidated Fund. To that proposition he had felt it to be his duty to give his most unqualified opposition, and he thought that no government would again venture to bring forward one of so monstrous a nature. The people of Scotland would view with dissatisfaction the opposition to this measure, and he thanked the government for it on their part. He was of opinion that great advantage would result from the improvement of Church property, from the different tenure, and the consequently greater amount of capital that would be expended on it. The noble Lord had said, that it would infringe on Church patronage, but he denied the fact. The measure was equally for the relief of Churchmen and Dissenters and if the Dissenters were satisfied with it, he was sure the Church people ought to be so.

Mr. *Tennyson D'Eyncourt* would say but one word to express his assent to what had fallen from his hon. Friend and Colleague. The debt, if allowed to continue, would be a great burden on Dissenters, and he hoped the right hon. Gentleman by some clause of the present Bill would give them relief.

Mr. *G. Palmer* said, that the consideration of the question embraced the principle on which his Majesty's Ministers were induced to bring forward the measure—the act itself and its consequences. Now it appeared that the sole objection to Church-rates was the refusal of Dissenters to continue to pay them. The hon. Member for Middlesex had told them that the Dissenters were a very large body; but did the hon. Member class them all as one body — those of different religious denominations, and those of no religion at all? Did the hon. Gentleman suppose that one party will acknowledge as partners the various other classes? The tendency of the measure, whatever was its object, was to degrade the Established Church. What, for instance, did the noble Lord intend to do with the property of archbishops and bishops? He had been assured that they were to retain full control over it, but they were now told that that property was to be vested in Commissioners, to save, he supposed, those dignitaries the trouble of attending to their own affairs, and to reduce them in fact to state pensioners. His Majesty's Ministers were now only waiting for a vote of that House to destroy one-half or one-third of that property, or for any other measure that might prove destructive to the preservation of the true principles of religion. The Established Church had been the great bulwark and defence of Dissenters, and if that were once cast down, they would fall themselves. He was satisfied the House would not lend itself to the total desecration of that protection of religious freedom which was the pride of Englishmen.

Sir *R. Peel* said, he had not the slightest wish to enter upon a discussion of the details of this measure, thinking as he did that it would be much better to reserve the discussion of a matter of such serious importance for that period when such discussion might be expected to end in some practical result; and, above all, in order that they might have an opportunity of investigating the plan proposed by the right hon. Gentleman (the Chancellor of the Exchequer), as the principles of that measure were not quite so apparent to him as to the right hon. Gentleman. At the same time he should be sorry, on this occasion, to omit any reference to the impressions made on his mind by the statements of the right hon. Gentleman. He thought that nothing could be more satisfactory to those who concurred with him in opinion than the declaration made by the Chancellor of the Exchequer as to the necessity of maintaining the Established Church. He had no fault to find with this position; but he doubted whether in practice this measure was in exact conformity with this principle. The right hon. Gentleman (the Chancellor of the Exchequer) said that he repudiated altogether the voluntary principle. But did his repudiating the voluntary principle necessarily imply that it was incumbent on the State to support the Established religion? If there could be any doubt as to the intention of the right hon. Gentleman, his own express words left no doubt as to the principle on which he meant to act. The right hon. Gentleman said that he would not leave it to the voluntary principle to find means of defence; and he added, that it ought not to be entrusted to the voluntary principle to find means of religious instruction. The right hon. Gentleman had said that it was at least as incumbent on them to provide a religious establishment as to provide an army or a navy for the purposes of defence. The moment the right hon. Gentleman laid down that position he excluded altogether the question of religion, or conscientious scruples; because when the State considers it necessary to maintain an army, it does not inquire whether all persons approve of war, or whether they think it necessary that an army should be maintained; but on an enlarged and comprehensive view they stated that the army must be maintained by general taxation, and they never inquired of any individuals their opinions as to peace or war. All that was necessary was, to call upon all to contribute equally. If then, the right hon. Gentleman said that it was equally incumbent on them to maintain a religious establishment as to maintain a fleet, surely it was equally incumbent on them all to contribute towards the support of that establishment, without inquiry into the peculiar opinions of each. The right hon. Gentleman had even said that it was the duty of the State to provide free sittings for the poor of the country. But did the right hon. Gentleman propose that the State should provide free sittings? Not at all. The right hon. Gentleman abandoned all means whereby the State could provide free sittings; and notwithstanding all his professions, and the resolution that it was necessary to maintain an established religion, the right hon. Gentleman meant that this measure should have this effect—that the State should not provide free sittings, but that the Church should. He would say nothing as to the lessees at present. There had been no time to consider as to the justice of refusing lessees of Church property to contribute towards the maintenance of the Church. But he did not object to this measure on the part of the lessees; he objected to it on much higher grounds than the interests of the lessees. The noble Lord had said that the Church community had abandoned the idea of requiring lessees to contribute towards the endowment of poor livings. Now he thought that the lessees were at least as likely to concur in any measure the object of which was to provide for the small livings of ministers of religion in populous places —they were as likely to concur as any who at present contributed. But by this proposed measure not only were the Dissenters relieved from contributing to the maintenance of the fabric of the Church, but the landholders were relieved also, and the charge was continued on the lessees of the Church. Admitting for the sake of the argument, the claims of the Dissenters to be relieved on the ground of conscientious scruples, he would ask why should the landholders of England, who were members of the Established Church, be relieved also. Nothing appeared to him more just than the principle laid down by the Chancellor of the Exchequer as to the necessity of the State providing for the Establishment; but it appeared to him that it would naturally sever the connexion between the Church and the State if they were not only to abolish Church-rates, but to throw the whole weight of them on the Church. He did not understand why the landholders of England, who were members of the Established Church, should be relieved altogether from all charges for the maintenance of the fabric of the Church. If they made up the deficiency by direct contribution from the State, of course his objections would not apply; but at present the effect of the measure would be to throw the whole charge upon the lessees of Church property, relieving altogether those upon whom there was the strongest obligation to contribute, namely, those members of the Church who were possessed of large property which had been acquired or inherited subject to this charge. He admitted, with the Chancellor of the Exchequer that unfortunately differences had arisen on this question. As one of those who were anxious to support the Church he would willingly come to a settlement of this question; but he must at the same time say, that a great difference of opinion prevailed on the subject of Church-rates, that the opposition to them was mainly confined to the large towns. But he had also no doubt that in rural parishes—unless dissent prevailed to a considerable extent, and the majority of the inhabitants were Dissenters—he thought that with respect to the great mass of the rural parishes, he might venture to say, that they were almost universally of opinion, that they would be better if left alone. Not only did they not wish to be relieved, but he believed that they felt a pride when they looked on the venerable fabric which was their chief architectural ornament; and, apart from religious associations, he believed that, so far from relieving their tender consciences, they would offend them by relieving them from the obligation of supporting their Church. He spoke of the rural parishes. But, waiving the consideration whether or not this charge was fairly laid on the lessees of the Church, if he came to the conclusion, that the lessees were so circumstanced that you could extract from them, in some way or other, a revenue of 250,000*l.* a-year—if he came to that conclusion, then he should feel bound to contend, that there was a prior claim upon that annual revenue than any that could rise from the obligation of supporting the fabric of the Church. He would ask any hon. Gentleman to consider the facts he would briefly state to the House. In the diocese of Chester, there were thirty-eight parishes, containing an aggregate population of 860,000 souls, whilst there was only church-room at present provided for 97,000, so that seven-eighths of the population in these thirty-eight districts, were without any Church accommodation. In the diocese of York there were twenty districts, with an aggregate population of 502,000, and yet Church accommodation was provided for only 48,000, or one-eleventh of the whole population. In the diocese of Lichfield and Coventry there were sixteen parishes, having an aggregate population of 235,000; and there was Church accommodation for only 29,000. From what fund were they to provide Church accommodation? If they could prove that, with perfect justice to the Church, without diminishing the independent station of the bishops, and without injury to the interests of the lessees—if, above all, they could raise such a sum as 250,000*l.* more than had hitherto been calculated upon, could they negative the claims of those populous districts, which ought first to be attended to—or could they bestow that revenue better than in providing religious instruction for those who had not now the means of hearing the word of God. He would not then enter into the arguments that had been used, but he hoped that the noble Lord had expressed the intention of the Government with respect to the new revenues charged upon the pew-rents, as he readily admitted that it would be just to require from those who had the means of payment, and were known to be in affluent circumstances, or rather in comfortable circumstances, that they should pay for the benefit of a pew. But with respect to the rural parishes, not merely as regarded the destitute poor, but the farmers of the country, a different principle should be adopted. If, for the first time for centuries, they were to be driven from those pews which they looked upon as a species of freehold to which they were entitled, without any payment, it would create in their minds a strong feeling of disgust. But he understood the noble Lord (Howick) to make a clear distinction with respect to rural parishes, and to give an assurance that they would not be subjected to the operation of this measure, for the purpose of extracting a revenue. He would not then enter further upon this subject. He merely stated the impression made on his mind by the speech of the Chancellor of the Exchequer; and he would venture to say, that if there was a sufficient fund disposable, the first claim was, either to raise the stipend of those ministers who had not 200*l*. a-year, or to attend to the still more pressing demand —to raise from the condition of religious destitution between seven-eighths and nine-tenths of the people, who had not the means of hearing what that religion was, of which they boasted so much.

Mr. *Baines* rose for the purpose of making an observation on what had fallen from the right hon. Baronet, the Member for Tamworth. The right hon. Baronet had said, that there was only Church accommodation for one-eleventh of the people of the diocese of York. He (Mr. Baines) happened to live in that diocese, and therefore had an opportunity of judging what accommodation there was; and he must say, that his own impression was, that there was not a town or hamlet in the whole diocese, that had much reason to complain of Church accommodation. He would not enter into a comparison of how many belonged to the Church, but he would ask, how many went to Church? This was an ingredient in the question that ought to be considered. If they found that in all towns, and in many of the populous villages, there was twice as much Church-room as there were persons to occupy it, they would be able to judge if Church-room were required for those who were not at present accommodated. There was another point which he wished to call to the attention of the right hon. Baronet. The right hon. Baronet had spoken about the impropriety of relieving the landed gentry from the payment of Church-rates. But had they not relieved the gentry of Ireland? They had relieved them from the Church-cess, and the analogy applied in this instance. He confessed that he was a little astonished at the arguments used by the Chancellor of the Exchequer, with respect to the army and navy, and the voluntary principle, and he did not wonder at the right hon. Baronet (Sir R. Peel) laying hold of it, for he thought it a most preposterous statement. They knew that the Church, in America, was supported by the voluntary principle; but who ever heard of an army or a navy being so supported? There was no analogy between the two cases. It was neither an argument for nor against the voluntary principle. Hon. Gentlemen should be exceedingly cautious, when they were seeking for illustrations, to make them applicable. Failing to do so, they very often damaged the argument they were meant to sustain.

The House resumed; the Committee to sit again.

HOUSE OF LORDS,

Monday, March 6, 1837.

MINUTES.] Bills. Read a third time:—Municipal Corporations (England).

Petitions presented. By Lords KENYON, REDESDALE, the Earls of SHAFTESBURY, FALMOUTH, the Bishops of HEREFORD, LINCOLN, and Lord BEXLEY, from Wolverhampton, Clifton, Leicester, and various other places, against the Abolition of Church Rates.—By Lord KENYON, from the Guardians of the River Union, for Poor-laws Amendment Bill.—By the Earl of JERSEY, from various places, that the House will resist all attempts to interfere with its Independences, Rights, and Privileges.—By Lord HOLLAND, from Carmarthen, for the Irish Municipal Corporations Bill.

HOUSE OF COMMONS,

Monday, March 6, 1837.

MINUTES.] Bills. Read a second time:—Mint; Millbank Penitentiary.

CARLOW ELECTION.] The *Speaker* informed the House that he had received a petition from the Crown and Hanaper-office, Dublin, complaining of an undue election and return for the county of Carlow.

Ordered to be taken into consideration on the 18th of April.

POOR-LAWS.] On the question, that the House do resolve itself into Committee on the affairs of Canada,

Mr. *Walter* said, that it was only out of deference to the recommendations of several hon. Gentlemen that he had given way on a late occasion, and withdrawn the list of names of Gentlemen whom he had proposed should form the Committee on the Poor-laws. That selection would, he had hoped, have proved satisfactory to the country—a result which, he must confess, he did not augur of the constitution of the present Committee. It had been his intention, that every interest should be fully represented; but on the Committee as it now stood, there was not a single Member who was personally connected with the manufactures of the country. He felt that he had somewhat too hastily yielded on that occasion to the force of the external pressure on not going to a division on the question. He must contend that the Committee was unduly constituted; for while seventeen Members of it were opposed to his (Mr. Walter's) views, only four supported him. The Chairman of the Committee he held in the highest esteem and respect, but in case of indisposition or absence, the Chair might fall to some other Gentleman who might be influenced by strong prejudices in favour of the working of the Poor-law Bill. If, as he understood, there were any Gentleman on that Committee who had been employed on the Poor-law Commission, he thought such a person was a very improper judge in this inquiry. Another Member of the Committee had, as he had heard, acted as chairman of a board against whose conduct he had received complaints. Now, all he asked was, to have these influences counterbalanced in some degree by the introduction of Gentlemen holding opinions coinciding with his own; in short, he asked the House to make the Committee impartial. His proposal of adding six Gentlemen to the Committee would still leave the proportion of seventeen to ten. With respect to the statement that he had in any way acquiesced in the appointment of this Committee, he begged to say, that it was totally erroneous and unfounded. He hoped, such as had felt well disposed towards his original motion, would now support his present attempt to obtain what he conceived would be a fair and impartial Committee. The hon. Member concluded by moving, that Major Beauclerk, Mr. Sergeant Goulburn, Mr. Freshfield, Mr. G. F. Young, Mr. Thomas Attwood, and Mr. Hindley be added to the Committee on Poor-laws.

Mr. *Hume* could not perceive why a question like that of the operation of the amended Poor-law ought to be made a party question; nor why, in this instance, the general rule should be departed from. He wished the noble Lord had, in the first instance, conceded to the hon. Member for Berkshire the Committee as he had desired it. If the noble Lord had done so, all pretence would have been taken away from the hon. Member for his inability to prove the cases which he had set up in that House. He repeated that he saw no reason why, in this instance, the general rule should be departed from.

Mr. *Villiers* had never spoken to any one on the subject of the Committee since it had been appointed. He was not a country squire, nor a party man, nor did he pretend to be more humane than another; but when he heard of the subject that was to be submitted for inquiry, he was prepared to go into that inquiry with the intention of discovering if the Bill had worked efficiently. He did not desire to be on that Committee—he had not solicited to be put on it; but having been appointed, he certainly was most anxious to discharge his duty fairly and impartially.

Major *Beauclerk* could not possibly serve on the Committee upon the question of the Poor-law. All, he believed, had a bias one way or another; and, it must be said, with respect to the present Committee, the bias of the majority was certainly in favour of the Poor-law. It would, he considered, have been much better if the Committee were more half-and-half on the question respecting which their opinion was to be delivered.

Mr. *Cressett Pelham* hoped, as the hon. Member for Middlesex was named upon the Committee, he would act upon it, and give to the question the benefit of his labours. He might be allowed to say, that there were times at which the services of the hon. Member were called for, and when he was not as active as he might be.

Mr. *Goulburn* had come down the other night prepared, if there had been a division, to support the noble Lord with his vote. A great object, he thought, in the selection of the Committee would have been that its opinion, when delivered, should produce a due impression upon the public. Unless persons were persuaded, that there was a fair representation of sentiments and feelings in the Committee, its general opinion, when delivered, could not carry great weight with the country. If the hon. Member for Berkshire persevered in making such an alteration in the names of the Committee, he should certainly have his support, in order to secure the admission on the Committee of persons whose opinions were known not to be quite so favourable to the amended Poor-law.

Mr. *Baines* was connected with a large manufacturing district, which had expressed a very strong feeling adverse to the new Poor-laws, and it had happened that he voted against the passing of that measure. So far the objection of the hon. Gentleman did not apply with much force to him. He certainly considered that the Committee was fairly constituted, and that they were acting upon principles which would be satisfactory to that House and the country.

Mr. *Robinson* said, that the simple question was, whether the Committee was so constituted as to inspire the country with confidence in their decision. He had stated on a former evening, and he thought it his duty to state now, that he had rather there were no Committee at all than one constituted as the present. If he had any weight with the noble Lord, he would entreat him to place the additional names proposed upon the Committee, if it were for no other purpose than to avoid the imputation that the Members now on the Committee had a bias to one side of the question.

The *Speaker* observed, that the general rule was to have fifteen Members nominated on a Committee. In this case, it was specially moved to have the Committee enlarged to twenty-one Members. Before any new names were added to that Committee, then, that resolution must be disposed of by the House. The point of form was, in his opinion, against the Amendment.

Lord *John Russell* thought the hon. Member for Berkshire had subjected himself to that difficulty in point of form, and he, therefore, felt it a great relief in not having to object to particular names, which might perhaps be considered personally offensive. He thought the hon. Member for Berkshire also, was either too early or too late with his motion. There had been a regular notice-day on which the motion might have been brought on, had the hon. Member thought proper; but he had put off his motion till the Committee had actually sat, and he now interrupted the regular proceedings of the House. The hon. Member, having delayed for so long a time, ought to have waited until he had a case against the Committee to show that they had not acted fairly. The hon. Member might have objected when the Committee was named—he might have had them called over name by name, as had been done with such force and effect some years since by Mr. Tierney upon the nomination of a Committee of Finance. The hon. Member ought to have done this, or he ought to have waited until he had a case to bring against the Committee. Notwithstanding what had been said of the Committee, he thought it very fairly represented the feeling in that House. This was not a party question; persons who supported the new Poor-law did so from no party attachment, but because they thought it was calculated to be beneficial to the country. If, then, he excepted persons from the Committee merely because they preferred the new Poor-law, he thought he should have formed a very unfair Committee. If they divided on the question of repealing that Act, and very few divided in favour of the repeal, was he to take one-half of a Committee from the few in favour of repeal, and the other half from the vast majority against it? If he did so, he thought he would be forming a very unfair Committee as representing the whole House. He was perfectly willing, now that the Committee had commenced its sittings, to withdraw his own name from the list, and allow the hon. Member for Berkshire to substitute any one of the Gentlemen whose names he had just mentioned in his room; further than this he could not go.

Mr. *T. Duncombe* observed, that if the new Poor-law were so excellent, and if, as they were told, the more inquiry the subject received, the more the country would be satisfied with it, then in that case what objection could there be to the six or seven names proposed? He was certain, that the greatest injury would result from any attempt at smothering the inquiry.

The House divided on the original motion, that the Order of the Day be read:—Ayes 152; Noes 124: Majority 28.

List of the AYES.

Acheson, Viscount
Aglionby, H. A.
Alston, Rowland
Anson, Sir George
Baines, Edward
Barclay, D.
Barnard, E. G.
Bentinck, Lord W.

Berkeley, hon. F.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Biddulph, Robert
Bish, Thomas
Brady, D. C.
Brodie, W. B.
Browne, R. D.
Byng, George
Callaghan, D.
Campbell, Sir J.
Cartwright, W. R.
Cayley, E. S.
Chalmers, P.
Chichester, I. P. B.
Churchill, Lord C.
Clay, W.
Codrington, Sir E.
Colborne, N. W. R.
Collier, J.
Crawford, W.
Crawley, S.
Denison, John
Dillwyn, L. W.
Donkin, Sir R.
Dundas, J. C.
Ebrington, Viscount
Ellice, E.
Elphinstone, H.
Estcourt, Thos.
Ewart, W.
Fazakerley, J. N.
Fergus, J.
Ferguson, Sir R.
Ferguson, Robert
Fergusson, R. C.
Fitzgibbon, hon. B.
Finn, W. F.
Fitzroy, Lord C.
Fitzsimon, C.
Fort, J.
Gisborne, T.
Goring, H. D.
Grey, Sir G.
Gully, John
Harcourt, G. G.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir And. Leith
Heathcote, John
Hobhouse, Sir J. C.
Holland, E.
Howick, Viscount
Hume, J.
Hutt, Wm.
James, William
Jephson, C. D. O.
Johnstone, J. J. H.
Labouchere, H.
Lambton, Hedworth
Langton, Wm. Gore
Lefevre, C. S.
Lennox, Lord G.
Leveson, Lord
Loch, J.
Long, W.
Lynch, A. H.
Mackenzie, S.
Maher, John
Mangles, J.
Marjoribanks, S.
Marshall, Wm.
Marsland, H.
Methuen, Paul
Molesworth, Sir W.
Morpeth, Viscount
Mosley, Sir O.
Murray, rt. hon. J.
Nagle, Sir R.
North, F.
O'Brien, W. S.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
Oliphant, Lawrence
Ord, W. H.
Oswald, James
Paget, Frederick
Parker, John
Parrott, Jasper
Pechell, Captain R.
Pendarves, E. W.
Philips, G. R.
Ponsonby, J.
Potter, R.
Poulter, J. S.
Power, James
Price, Sir Robert, bt.
Pryme, George
Pusey, P.
Rice, rt. hon. T. S.
Rickford, W.
Roche, William
Russell, Lord J.
Ruthven, E.
Sanford, E. A.
Scott, Sir E. D.
Scrope, G. P.
Seymour, Lord
Smith, Robert V.
Smith, B.
Stanley, Edw. J.
Stanley, W. O.
Strickland, Sir G.
Strutt, Edward
Stuart, V.
Surrey, Lord
Tancred, H. W.
Thomson, C. P.
Thomson, Paul B.
Thornley, Thomas
Tracey, C. H.
Trelawney, Sir W.
Troubridge, Sir E. T.
Tulk, C. A.
Tynte, C. J. K.
Verney, Sir H., Bt.
Vernon, Granv. H.
Vivian, J. H.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, Hen. George
Wemyss, Captain
Weyland, Major
Wigney, Isaac N.
Wilbraham, G.
Williams, W. A.
Williams, Sir J.
Wood, C.
Wrightson, W. Battie
Wrottesley, Sir J., Bt.

TELLERS.

Maule, hon. F.
Steuart, R.

List of the Noes.

Ainsworth, P.
Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Baillie, H. D.
Bainbridge, E. T.
Baring, F.
Beckett, Sir J.
Bell, M.
Blackburne, J.
Blackstone, W. S.
Blunt, Sir C. R.
Bolling, Wm.
Bonham, R. Francis
Brocklehurst, J.
Brotherton, J.
Brownrigg, S.
Bruce, C. L. C.
Buller, Sir J. B. Yarde
Canning, hon. C.
Canning, Sir S.
Chandos, Marq. of
Chaplin, Col.
Chapman, Aaron
Chisholm, A.
Clerk, Sir G., Bt.
Clive, hon. R. H.
Compton, H. C.
Conolly, E. M.
Crawford, W. S.
Crewe, Sir G., Bt.
Dalbiac, Sir C.
Darlington, Earl of
Dick, Quintin
Duncombe, W.
Eaton, R. J.
Egerton, Lord Fran.
Etwall, R.
Fancourt, Major
Fector, John Minet
Feilden, W.
Fielden, J.
Finch, George
Follett, Sir W.
Forester, hon. G.
Fremantle, Sir T. W.
Freshfield, James W.
Gaskell, James Milnes
Gladstone, Wm. E.
Gordon, W.
Goulburn, rt. hon. H.
Grimston, hon. E. H.
Guest, J.
Hale, R. B.
Halse, James
Hamilton, Lord C.
Harcourt, G. S.
Hardinge, Sir H.
Harvey, D. W.
Hawkes, T.
Herries, rt. hon. J. C.
Hindley, C.
Hodges, T. L.
Hotham, Lord
Humphery, John
Jones, Wilson
Jones, Theobald
Irton, Samuel
Kerrison, Sir Edw.
Lawson, Andrew
Leader, J. T.
Lefroy, rt. hon. T.
Lincoln, Earl of
Lister, E. C.
Lowther, J. H.
Mackinnon, W. A.
Mahon, Viscount
Marsland, T.
Maunsell, T. P.
Meynell, Capt.
Miller, Wm. Henry
Mordaunt, Sir J., Bt.
Palmer, Robert
Palmer, George
Parker, M.
Patten, J. Wilson
Pelham, John C.
Pigot, Robert
Polhill, Frederick
Pollington, Visct.
Powell, Colonel
Price, S. G.
Price, Richard
Rae, Sir Wm., Bt.
Robinson, G. R.
Roebuck, J. A.
Rushbrooke, Col.
Ruthven, E.
Sandon, Viscount
Scholefield, Joshua
Shaw, F.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir George
Smith, A.
Smyth, Sir H., Bt.
Somerset, Lord G.
Stanley, Edward
Thomas, Colonel
Thompson, Colonel
Trevor, hon. G.
Vere, Sir C. B.
Vesey, hon. T.
Wakley, T.
Walpole, Lord

Wason, R.
Whalley, Sir S.
Whitmore, Thomas C.
Wilbraham, B.
Williams, W.
Wodehouse, E.
Wynn, rt. hon. C. W.
Young, J.
Young, Sir W.

TELLERS.

Duncombe, T.
Walter, John

Affairs of Canada.] The Order of the Day was read, and the House went into Committee, to take into consideration that part of the King's Speech which related to Canada.

Lord *John Russell:* I can assure you, Sir, that I never rose with so much reluctance to make a proposition to the House of Commons, as I now rise to propose the resolutions of which I have given notice, and with which proposition I mean to conclude the observations I am about to make. It is my duty, and it is the duty of his Majesty's Government to which I belong, and of which I stand here as the representative on this occasion, to bring under the notice of the House the affairs of Canada, with a view to the declaration of what is our sense of the conduct of the representatives of the people of Lower Canada, and to ask this House to apply to the necessary services of that colony those sums of money which ought, in the regular course, to have been voted by the colonial assembly. I feel that it is necessary, in order to justify us in taking such a course, to show, first, that there is a necessity for interference on the part of Parliament; and, secondly, that that interference cannot be other than that, and certainly should not stop short of it, which I shall have the honour to propose. In making this proposition I do so with very great reluctance, yet, at the same time, I feel that the House of Assembly of Lower Canada have the advantage of being represented in this House, and that their case will be stated with as much ability as they can desire; and that if in any respect I shall wrong them by the proposal I shall have to make to this House, they will have an opportunity of having their claims fully advanced, and their pretensions put in the most favourable light, by the Gentlemen who have undertaken to support their cause. It is likewise a consolation to me to know, in bringing forward the affairs of Lower Canada, that the pretensions put forth by the Assembly of that province, are not supported by the general concurrence of the other provinces of North America subject to the Crown of Great Britain. It is not now proposed, on the part of Upper Canada, that there shall be an elective Legislative Council; it is not proposed on the part of New Brunswick, or on the part Nova Scotia; and with respect to all these colonies, I may say, that the communications which have taken place between the Government and the Houses of Assembly of these provinces, tend generally towards a satisfactory adjustment—that they have the prospect, that what they now consider their grievances will be redressed in a manner the most full and sufficient; and, on the other hand, the Crown has every reason to expect a loyal and dutiful concurrence on the part of the Assemblies of those provinces. Therefore, we have not to reproach ourselves with having to contend against the general demand, and the general wishes of the provinces of North America. On the contrary, all the demands are from Lower Canada; raked up, as I believe, in the course of long and unfortunate divisions, and the consequence, as I believe, rather of past irritation than demands, founded upon real and practicable wants, without the effectual redress of which we could not hope for future and permanent tranquillity. In so saying, I may likewise say, that I do not intend—and if I do, it is unintentional on my part—I do not propose to cast censure and reproach on the Assembly of Lower Canada for the course they have taken. I consider that this course so much resembles the course which other popular assemblies have on similar occasions taken, that instead of its being an act of self-will or caprice, or presumption, it seems rather to be the obligation of a general law which affects all these disputes between a popular assembly on the one hand, and the executive on the other; and the course of the proceedings which generally take place strongly impresses this lesson, that popular assemblies are hardly ever wrong in the beginning, and hardly ever right at the conclusion of such struggles, which generally commence with right, and end with the establishment of wrong. They are generally struggles which begin with seeking a remedy of well-founded and existing grievances, and end with a declaration of suspicion and distrust of all authorities at present existing, the popular party endeavouring to set up some new and unknown government, by which they suppose there will be a means to remedy all future grievances. But if they succeed in their attempts, they seldom end in producing the benefits that are expected from the new institutions. The province of Lower Canada came into the possession of the English Crown, in consequence of the successful war which ended in the peace of 1763. It contained, at that time about 60,000 souls, who were governed according to the laws of the arbitrary monarchy of France, having for their own especial law one of those inconvenient and local laws known in France by the name of the Customs of Paris. At first, the British Government wished to make it a British colony, to give it a constitution like the other colonies that had fallen into our hands, and make it like other British colonies in every respect. This policy was afterwards changed; and when we entered into the contest with our other North American provinces, care was taken to separate Canada from the appearance of resistance to the British Crown, and to induce the colonists to cling to their own customs, and to become again, as it were, a French colony. With the increase of the people, and the influx of emigration, it was proposed to introduce a new kind of government for that province, and Mr. Pitt proposed a Bill which became law in 1791. I think it will be doubted now, both upon abstract grounds, and the grounds of experience, whether the main provisions of that Act, or some at least of them, were adapted to secure future good government in that country. One part of the measure of 1791 was to establish an assembly, which should partly consist of hereditary members, and partly of members elected for life by the Government. Another part of the measure was, the separation of the provinces of Upper and Lower Canada, with the intention of making Upper Canada more completely English, and a resort for those emigrants who flocked thither in great numbers, while the lower province was left to become more gradually a country of a mixed proportion of French and British subjects. I will not at present touch upon the latter of these two provisions, but I will take the liberty of saying a few words with respect to the former. It seems to me that it was intended to establish in Canada a general resemblance to the British constitution, which I think impossible in any colony. It is not in the power of any one—as the hon. and learned Member for Bath argued last year, and, as I think, was very generally admitted—it is not in the power of any one to establish in Canada an assembly which should have that moral influence which properly belonged to the House of Lords in this country; because there is no class of persons who can naturally be pointed out as an hereditary aristocracy in that country, and it would be difficult to select for life any persons whom the rest of the community would generally acknowledge to be worthy of that great honour. It is hardly possible that in the natural course of events the different governors who have been sent from this country should not take different views of the nature of their duties, and of the persons who were fit to be appointed; and that there should not come to be in the end a very great difficulty in carrying on the government by an assembly thus created, without any settled system, as there would be no authority like that of the King acting through his ministers, which should be responsible for all appointments that might be made The evil consequences of the present state of things is agreed to by all parties. The Assembly, on the one hand, complains very much of the existence of the Legislative Council. The petition presented to Parliament last year, and which was sent to the Under Secretary for the Colonies from the Constitutional Association, declared that the power was a very dangerous one; that it had not altogether been properly executed; and that there ought to be some new check, in order to obtain a proper and due selection of the legislative councillors. So far, I believe, I may conclude that there is some fault or some defect in the constitution of the Legislative Council; but this is not the only subject on which immediate remonstrances have been made, or on which contests have existed for a long time. On the contrary, there are many subjects of dispute, with respect to the nomination of judges, with respect to the disposal of the public money, with respect to the prosecution of certain persons who were defaulters, and various other subjects, which, after continuing for eight years, were still subjects of dispute in the provinces. These matters had been referred by Mr. Huskisson, when he was Secretary of State for the Colonies, to the consideration of a Select Committee of this House; and among the papers printed by the order of the House, there is a minute of the Earl of Aberdeen, which was drawn up by him when he was Colonial Secretary, in which the question is treated with very great calmness and moderation, and quite to demonstration. It shows, that with respect to all the subjects, with the exception of one, which I shall mention presently, which were brought before the Committee of 1828, the remedies provided by the Government of this country were not only fully that which the Canada Committee recommended, but went beyond the propositions made by the Committee. I will mention an instance of this, and it is a very strong instance. The Canada Committee recommended that a certain duty, which was imposed by the Act of 1774, should be appropriated by the House of Assembly itself as soon as that House of Assembly should make permanent provision for the support of the judges, and for the support of a certain number of officers of the civil government. The Government of this country went beyond that proposal, and by the Act of 1831 they repealed, simply and at once, the provisions of the Act of 1774, as far as it left the appropriation to the Lords of the Treasury of this country, and left it freely and fully to the House of Assembly to appropriate the funds arising from these duties. It did not follow that because the Government and the Legislature of this country dealt this fair and full concession to the House of Assembly, that they should be disposed to make a proper return, by acceding to what the Committee of 1828 considered an indispensable preliminary. On the contrary, they have not hitherto, and, I think, as I shall hereafter show, they do not seem disposed now to make any such provision. There was one recommendation of the Committee which referred to the judges, with respect to whom it was by the Committee proposed that they should be independent as far as their salaries were concerned, but that they should be removeable at the pleasure of the Crown. An Act was proposed by Lord Ripon to the effect that the judges should not only have permanent salaries, but that they should hold their offices during good behaviour. The House of Assembly, in return for this, introduced into that Bill, clauses by which they made all the officers of the colony, not excepting the governor himself, subject to a tribunal appointed in the manner then pointed out. Thus they met the concessions largely and freely made by the Government of this country. These proceedings continued; contests upon various points were raised from time to time until, in 1833, a supply bill was passed, with many conditions tacked to the several items of it, declaring that certain persons should have salaries for such offices, providing, at the same time, that they should not hold any other office, and various conditions of this kind, in consequence of which the supply bill was lost. In 1834 the House of Assembly passed ninety-two resolutions, which are familiar to this House both in their purport and their language. In 1833 the House of Assembly separated without passing a supply bill, in consequence of Lord Aylmer refusing to sanction their votes for the contingent expenses. In 1835 Commissioners were sent out from this country, in order to investigate the whole of the subject matter in dispute, and that they might make a report to his Majesty's Government, by which his Majesty should be informed of the whole of the matter in dispute, to be able to judge how far it might be safe or practicable to comply with the demands of the House of Assembly. It is very satisfactory to me that the Commission which was appointed took full time to enter into every topic connected with the propositions made to this country. I think that, whatever suffering there may have been on the part of those officers of the government who claim, and have a right to claim, the protection of the British Crown and the British Parliament to defray the sums owing to them,—I think, whatever public inconvenience may have been suffered in consequence of the delay in the appointment of that Commission, yet the inestimable advantages derived from it—that we do not now proceed without the fullest and fairest inquiry, and that every subject has been carefully looked into—fully compensate for the time that has been lost. After four years and a half no supply has been voted; and we have come at last to this decisive question, whether or not we can grant some or all of the demands of the House of Assembly, without which no supply can in any case be looked to? It is a great advantage, I think, that we do not appear to proceed in haste or passion, or in ignorance, and that every light which can be thrown on the subject has been thrown upon it—that everything that could be fairly granted to the demands of the House of Assembly has been previously granted—that there is now but one question for this House to consider, whether or not we shall proceed to alter the constitution of 1791, and to alter it in a manner which I shall afterwards show is inconsistent with the relations of the mother country and the colonies; or whether we shall interpose, as in a case of necessity, and a case of clearly and fully proved necessity, to protect the colony itself from disturbance, and to rescue the honour of the British Crown from that which I consider a stain upon it—of leaving the subjects of the Crown unprotected in a situation in which they have been encouraged and even directed by the government to place themselves? That this is the question is sufficiently proved by the amendment which the hon. Member (Mr. Leader) means to propose. He does not say, neither do those who agree with him say, "Let not Parliament interfere, allow the colony to continue its course, do not coerce the assembly of the colony, do not interfere with the imperial parliament;" but what he says is this, "It is necessary to interfere; it is necessary that you should consider former acts of Parliament; it is necessary that you should repeal those acts and adopt another constitution." To this question, then I beg leave to call the attention of the House, and I will only do so generally, because really, though I have been long conversant with the subject, I am not able to enter at length into every statement of the demands of the House of Assembly. But I am sure that my learned Friend who sits near me (Sir G. Grey) will be able to give any details that may be necessary. I will go shortly and generally into the questions upon which the House of Assembly make their demand, and I will state the reasons why I think it impossible, for us to grant those demands, and the course which I propose to take on this subject. The first demand of the Assembly is, that the legislative council having hitherto been nominated by the Crown, shall for the future be an elective assembly. The next is, that the executive council shall be a responsible council, similar to the cabinet in this country. Another is, that the law of tenures shall be changed without respecting the rights acquired under an Act passed by the British Parliament; and the fourth is, that the land company shall be abolished, with a similar disregard of the rights acquired under the same Act. With respect to the proposition of making the legislative council elective, the effect of it in the present state of the colony must be to make a second assembly exactly resembling that which at present exists. There could be no doubt, from the Report of the Commissioners—and every one who has spoken on the subject seems to have come to the same conclusion—that the second Assembly would be but an echo of the first Assembly, and would try to enforce all their demands. It is proposed in the next place that the executive council should be made to resemble the ministry in this country. I hold this proposition to be entirely incompatible with the relations between the mother country and the colony. The relations between the mother country and the colony require that his Majesty should be represented not by a person removeable by the House of Assembly, but by a governor sent out by the King, responsible to the King and responsible to the Parliament of Great Britain. This was the necessary constitution of a colony; and if you have not these relations existing between the mother country and the colony you will soon have an end to the relations altogether. Then, again, if the executive council were made responsible as the ministers of this country, of course the governor must act according to their advice. If the Assembly do not trust those ministers, if they do not think them fit, they must be removed, and others put in their places. The person sent out by the king as governor, and those ministers in whom the assembly confided, might differ in opinion, and there at once would be a collision between the measures of the King and the conduct of the representatives of the colony. But this proposition would tend not merely to produce disputes, not merely to try the King's authority, but it would tend to introduce authorities totally incompatible with the authority which the King seems to have over every colony. There is an obligation, for instance, on the Government of this country, to prevent any British subject being injured with impunity. If the executive council be appointed through the influence of the House of Assembly the consequence would be that the Ministers thus appointed must carry into effect the acts of the Assembly, and must deprive persons of land or other possessions, though holding them under the laws of this country, and by virtue of an Act of Parliament. Let it be considered, that these measures must be carried into effect not merely by the forces of the colony, not merely by the Assembly, but in the King's name, and by means of the King's forces in that colony. Let me suppose this case, that the King sends out certain orders to the governor in conformity with the existing laws. The law in the mean time is changed by the Assembly, and the consequence might be that the King's troops would be obliged, in obedience to the orders of the ministers of the Assembly, to carry into effect those orders in defiance of an Act of Parliament, and tending, perhaps, to the injury and destruction of the King's subjects holding property according to law. It may be maintained that there is justice in the attempt to give an executive to the colony which should be responsible to the Assembly in the same manner that the Ministers in this country are responsible to this House. That part of the constitution which requires that the Ministers of the Crown shall be responsible to Parliament, and shall be removable if they do not obtain the confidence of Parliament, is a condition which exists in an imperial legislature, and in an imperial legislature only. It is a condition which cannot be carried into effect in a colony—it is a condition which can only exist in one place, namely, the seat of empire. Otherwise we should have separate independent powers existing not only in Great Britain, but in every separate colony. In such a case the Government would be unable to carry its measures or wishes into effect, and each colony would, in effect, be an independent state, with this singular anomaly, that the executive chief nominated by the King of England, and the troops and forces of the King of England, might be employed to carry the orders of the House of Assembly into effect. This is, therefore, a condition which it is impossible to have consistently with the relations between the mother country and the colony. With respect to the other points of the tenures and the Land Company, in looking through the measures of the House of Assembly I do not find that they made any laws upon this subject; on the contrary, they seem to infer that these Acts of the British Parliament were Acts of usurpation altogether, and that they would be fully justified in repealing those Acts, and in acting according to their own discretion with respect to any persons who may have acquired property and rights under these Acts. It is neither possible for the Crown or the Parliament of Great Britain to yield the rights of those persons, and after the passing of a solemn Act of the Legislature to say that those rights shall be disregarded and set at nought, because they do not agree with the views of the House of Assembly. And as far as I can conceive, the only remedy that is left, according to the views of the House of Assembly, is for the British Parliament to vote compensation to such persons, and to provide for them out of the funds of this country. This is the resource left to us—a resource worse than that which we were compelled to accept from another of our American colonies after a most disastrous war. I feel assured that this House will think that they are justified in taking under their protection those persons who have suffered in consequence of Acts passed by this and by the other House of Parliament. If the House were to concur in the views of the House of Assembly, taken as a whole, what would be the consequence? Canada would cease to be a colony, and would be regulated by an authority there independent and subversive of the power of the British Crown, and having all the inconvenience of a colony with none of its advantages. But there would be this anomaly also: if Canada were really independent, if any subject of Great Britain were wronged there, the King of Great Britain, as in the case of any other foreign power, could interfere to see that the wrong was redressed; but according to the demands of the House of Assembly, if a subject of the King of Great Britain were wronged on the banks of the St. Lawrence, the King of Great Britain would not have the power to interfere, which he would have if the wrong had been committed on the banks of the Danube and the Bosphorus. I ask Gentlemen to consider what will be the effect of these propositions of the House of Assembly? One objection is stated by the Commissioners, and stated for a reason which I think all sufficient in the present state of the colonies, to prevent our acceding to the demand for an elective Legislative Council. With respect to a Legislative Council, they state that there is no reason with respect to the abstract consideration why there should not be an effective Legislative Council in the colony as well as one nominated by the Crown; but in the present condition of Canada, they cannot imagine a state of circumstances,—they cannot imagine a body of constituents of such a nature, so different from the body which constitutes the present House of Assembly, as to have an independent assembly appointed in the manner of an election, and not by the nomination of the Crown. But they state that, whatever may be the result come to upon abstract speculation, that this is not the case in Canada; that the case of Canada is such, that if you yield to these demands a great portion of the King's subjects, namely, those of British descent, will be excluded altogether from a voice and representation in the two assemblies; that that portion, consisting of 120,000 of our fellow-subjects, persons of considerable wealth and intelligence, and who are engaged principally in commercial pursuits, would consider themselves so far abandoned, so far unprotected, that it was not likely that the peace of the colony would be preserved, but that they would oppose and resist the Government as a Government from which they could expect no security for life and property. They concluded that whatever might be the result of speculation on this subject, and though their views, as far as regarded them individually, were in many respects dissimilar, yet they all agreed in this, that in the present state of the colony it would not be possible, with security to the subject and tranquillity to the colony, to grant the demands that were made. I consider —these Commissioners having, as I stated in many respects entertained dissimilar views upon many questions that came before them—I consider that there must have been a very strong impression that the present state of the colony was such that it would be unwise and unsafe to introduce an elective council into that colony. I think that the report of the Commissioners affords sufficient reasons for the opinions to which they have come. Having thus stated why, in the opinion of his Majesty's Government, it is impossible to yield to the demands which have been made by the representative assembly of Lower Canada, I shall now proceed to state the views which we have taken of the whole case, and of the remedy by which we propose to put an end to the difficulties which have arisen in consequence of these occurrences. The first difficulty is the payment of the judges and of the king's officers in the colony. When it is recollected that it is now four years and a half since the judges have received their salaries, during which period they have been left entirely to their own resources for support, the House will, I think, consider that it is high time for us to come forward and interpose the authority of Parliament in their behalf and rescue those officers from the state of distress which must necessarily result from a protracted continuance of this state of things. Had we followed the advice of the Commissioners upon this subject, we should have come forward last year and demanded of Parliament the means of paying the arrears justly due to these officers; but it was thought that as some misunderstandings appeared to exist between the Assembly of Lower Canada and Lord Glenelg, it would be desirable to give them an opportunity to re-consider the subject once more, and wait to see if they still persisted in refusing these payments. With regard to the propriety of the proceeding which I am about to recommend, I apprehend that it is undoubtedly in the power of the imperial Parliament to interfere in colonial affairs, whether in legislative matters or in supply, when a pressing occasion occurs for so doing. In legislative matters we had recently an instance in regard to Jamaica, where we interposed our authority to continue an act of great importance, which the colonial legislature had omitted to pass within the proper period. In matters of supply, also, I have as little doubt that in cases of great necessity it is in the power of Parliament to employ all the means in its hands to appropriate the proceeds of the taxes raised in a colony to certain public services in a colony to which they are under ordinary circumstances applied. This principle was admitted at the bar of the House of Commons by Dr. Benjamin Franklin, who in regard to the Assembly of New York, was asked, whether, if a colony were altogether to refuse supplies, the imperial Parliament could interfere, and he replied that "he could not conceive such a case to occur, though they had in some cases refused to grant permanent salaries to the officers of Government, and he thought very wisely so." He was then asked again, "whether in cases where interference was justifiable, the right of interfering ought not to be in the Parliament of Great Britain?" To which he replied, "that he would have no objection to it, provided the power were only used for the use and good of the colony itself." Now this is a limitation in the justness of which I fully concur; for if we were to attempt to order the appropriation of the funds raised in the colonies to the use of the mother country, it appears to me clearly that we should be far overstepping our province and our authority. What I propose, however, to-night is simply to apply a certain portion of the revenues of Lower Canada to the payment of such items as the Representative Assembly have already agreed to in their votes of supply in the year 1833. The total amount is 148,000*l.*, and my purpose is only to order the payment of that sum for those purposes which the Assembly has already admitted, and not for any which in 1832 it may have refused to agree to. The next consideration is the manner in which the government of the province is to be carried on in future, and the nature of the legislative council which is to be adopted. It is proposed to adopt the recommendation of the Commissioners, that judges shall be excluded by law from this council, as also all persons guilty of any disgraceful offence; and that no person shall be appointed to it until his name has been sent over here by the governor of the province. With regard to the principle or predilections upon which persons have been selected for appointment to the legislative council, I believe it has been too much the practice to select them almost entirely from amongst persons of British extraction, who form but a small numerical minority in the province, whilst the Representative Assembly is composed in great part of persons of French extraction, who are the majority in point of numbers, and whose views and interests in many matters are entirely at variance with those of the minority, whose feelings are represented in the Legislative Council. I must say that the manner in which governors of this colony have lately acted upon the authority vested in them by the acts of 1791 in this particular has not been judicious and I consider that to select the members of the Legislative Council alternately, one from the British and then one from the French stock, would be far preferable, as well as more in accordance with the practice in the earlier periods after the passing of that Act. Of course the governor should take care to appoint a person of sound discretion and of good character and standing in the colony, but at the same time no undue preference should prevail in favour of one particular class to the exclusion of others, keeping up and fermenting a perpetual opposition and jealousy the minority acting in every case against the wishes of the majority. I think by thus adopting many persons who had no hope of appointment hitherto, and by excluding all persons of doubtful character, and especially those who have been public defaulters, we shall go a great way towards effecting a reconciliation of differences upon this point. This, however, should of course be left as a matter of discretion, and not as a positive rule. In the next place, with regard to the composition of the Executive Council, I propose that there should not be more than two or three official persons in that Council, and that the rest of the Council should be selected from the Legislative Council and the General Assembly. It is proposed also that they should not enter into the discussion of any subject not immediately connected with the province except upon advice of the Governor. I propose further that the Governor shall be at liberty to act contrary to the advice of the Executive Council if he think proper, but that on so doing he should make a minute of the occurrence. By this means, whilst we give the members of the Executive Council a proper degree of control in the affairs of the government of the colony, we also leave the Governor a discretionary power to act by himself when he conceives the duty of his office and his general instructions require it. The next question to which I have to allude is the North American Land Company. This association, I believe, has been of great use to the colony; many settlers have obtained advantages from it which they could not have hoped for, either from the Government or from their own individual exertions and resources. I see no reason to differ from the resolution of the Commissioners in respect to this point. No doubt the Land Company might acquire possession of a greater extent of land than it would be judicious to allow it to possess but a provision might, without much difficulty, be framed to restrain this. The Assembly, it appears, pretend that the act of 1791 gives them the supreme control over all the wild land of the province—a pretence which I cannot agree to, as the Crown has never parted with its right to grant charters for the purposes of planting or clearing as it may think fit.

Another subject upon which much complaint has been made is the Act passed in this country in reference to tenures. This Act is complained of upon two grounds—first, that it was originally framed in ignorance of the tenures of the colony; and, secondly, that it does not provide a means of voluntary commutation. The Commissioners considered both these opinions to be well founded, and propose that as soon as any Act on the subject shall have been passed by the colonial Legislature, Parliament will repeal the above Act. In doing this, however, I need hardly observe that great care should be taken that the vested rights of individuals under the existing system be not prejudiced. Another complaint of the Canadas against the Act of 1791, especially on the part of Upper Canada, is the embarrassment which arises out of it to the trade between the two colonies. A newspaper which I hold in my hand complains that every boat which comes from the lower provinces is subject to inspection at the Custom-house and forced to pay duty, and that the passengers from Great Britain passing by this route are also subject to pay certain dues of this kind. It complains further, that the general division of the duties is unfair, and, above all, that they have not a full vent for their merchandise by the St. Lawrence; for it appears that in the upper province, by the Act of 1791, they have not the means of communication with the sea, and consequently with foreign parts, without the payment of considerable duties, while other impediments are thrown in the way of the trade of Upper Canada in Lower Canada. With respect to this and many other questions of the like kind I think it highly desirable that some satisfactory adjustment of difference should at least be attempted. At present, instead of the two colonies helping and strengthening one another, they seem to be a mutual hindrance and mutually injurious to each other's commerce. With a view to the adjustment of these differences it is proposed, with the assent of the Legislatures of the two provinces, that a joint Committee should be appointed, to sit at Montreal, and which Committee should be composed in the following manner, namely, of four members of the Legislative Councils of each province, and of eight members of each Representative Assembly, making twenty-four persons in all, who should have the power to prepare laws and to compare results upon all these points of reciprocal policy. One of the most important matters which would come under their notice would be the navigation of the St. Lawrence. Another would be the settlement of matters of commerce between the two provinces. Another point would be the constitution of some fair court of appeal, and of impeachment for judges and other officers of the executive, while under existing circumstances the accusing body would be at once both the accuser and the judge. The Committee would also have to direct its attention to the line of boundary. It is hoped that upon many of the points I have adverted to, this Committee would be able to devise measures by which the mutual interest and the good government of the two colonies would be greatly improved. With regard to the matters of supply to which I have already alluded, it is proposed that, after securing the civil list, and the salaries of the judges and of certain Government officers, the whole revenue of the colony should be left to the disposal of the Assembly. The Assembly would hardly wish for more than this; they would hardly, I think, wish to see the judges' salaries made dependent on the annual vote of the Representative Assembly, instead of the judges holding the independent position which their important office so peculiarly demands. Putting these few items, therefore, out of the question, the Assembly would still have to dispose of the greater portion of the revenue of the province for purposes of national improvement, as the formation of roads, &c. In this situation, without any direct tax, without any debt, and while the whole revenue is raised by means of duties upon commerce, which the Assembly may apply as it thinks proper to internal improvements, and necessary expenses, the Canadas enjoy as desirable a state of things as it is possible to conceive. With respect to any injuries or disadvantages which the Canadians allege to be inflicted by the law, I can only say that they do not appear in any of the petitions before us. That the House of Assembly should be entirely elected by the Canadians, that the Executive Government should be nominated by the Crown, but with certain conditions and securities, and that the House of Assembly should come to some arrangement with the upper province on the subject of trade and other international matters; such are the general propositions which we desire to submit with a view to bringing these complaints to an adjustment. With respect to the wild lands, they are, as I said before, in the hands of the Crown. The rule now is, not to make the same improvident grants as formerly, but to sell the land at a fair price; the House of Assembly having the general control of the revenue, leaving only to the Executive such superintendence in matters of detail which is usual both in the mother country and in the colonies. According to this view of the case, I think it can hardly be denied that these colonies are in the enjoyment of as great a portion of political freedom, and of personal immunity from oppression, and of as great power to make wholesome laws, as any persons at home. They certainly do not possess some privileges in the imperial government of the colony, which it is not in their nature, as colonists, to enjoy. At the same time, however, it should be borne in mind that they are exempt from the payment of taxes which we have to pay. Their taxes, on the contrary, are exceedingly light, and their means of internal improvement very great and very promising. Such is the condition of these colonies, and such will be their prospects if they accept the propositions which I have now brought forward. If, however, they take an unfavourable view of these proposals—if they persist in maintaining that it is absolutely necessary that there should be an elective Legislative Council and an Executive Council subservient to the Representative Assembly, then it must very shortly come to this, that they should also have a governor of their own nomination, for none other would do their bidding. If this be the proposition of the Assembly of Lower Canada, it is in another form nothing else than demanding the total independence of the colonies from the mother country. This is a demand which, if it be persisted in, must drive Parliament to the necessity of saying, whether there is any other form of colonial constitution under which the Canadas can be governed than that embodied in the Act of 1791. But to these addresses, by which the dignity of Parliament and of the country is impaired, and by adopting which we should be made responsible for acts in which we do not concur, and which we do not think desirable, I cannot agree. I however, do not suppose that these colonies will persist in their demands; but if they do still hold out, we have not the means of carrying on the government of them here in continual resistance to their Assemblies. I do not propose to do away with the constitution of 1791; but if the colonists are desirous of retaining that constitution, and will agree to carry it on in the fairest way, that constitution may be so carried on by the steps we are about to propose. I do not think that we could carry on the government of the colony without the Legislative Council; and I wish to have the advice of Parliament on the subject, whether we should yield to demands which we consider would amount to the abandonment of the colony altogether, or whether we shall adopt the course I now propose, by which I hope to induce the colonists to re-consider the whole matter in dispute, and see whether those disputes had not arisen in a great part out of feelings of irritation consequent upon former disputes, and to offer such practicable measures as may induce them to abandon the greater number of those complaints. The noble Lord concluded by moving the first of the following Resolutions:—

" 1. That since the 31st day of October, in the year 1832, no provision has been made by the Legislature of the province of Lower Canada, for defraying the charges of the administration of justice, and for the support of the civil government, within the said province, and that there will, on the 10th day of April now next ensuing, be required for defraying in full the charges aforesaid to that day, the sum of 142,160*l.* 14*s.* 6*d.*

" 2. That at a Session of the Legislature of Lower Canada, holden at the city of Quebec, in the said province, in the months of September and October, 1836, the Governor of the said province, in compliance with his Majesty's commands, recommended to the attention of the House of Assembly thereof, the estimates for the current year, and also the accounts, showing the arrears due in respect of the civil government, and signified to the said House his Majesty's confidence that they would accede to the application which he had been commanded to renew, for payment of the arrears due on account of the public service, and for the funds necessary to carry on the civil government of the province.

" 3. That the said House of Assembly, on the 3d day of October, 1836, by an address to the Governor of the said province, declined to vote a supply for the purposes aforesaid, and by the said address, after referring to a former address of the said House to the Governor of the said province, declared that the said House House persisted, amongst other things, in the demand of an elective Legislative Council, and in demanding the repeal of a certain Act passed by the Parliament of the United Kingdom in favour of the North American Land Company; and by the said address, the said House of Assembly further adverted to the demand made by that House of the free exercise of its control over all the branches of the Executive Government; and by the said address, the said House of Assembly further declared, that it was incumbent on them, in the present conjuncture, to adjourn their deliberations until his Majesty's Government should, by its acts, especially by rendering the second branch of the Legislature conformable to the wishes and wants of the people, have commenced the great work of justice and reform, and created a confidence, which alone could crown it with success.

"4. That in the existing state of Lower Canada, it is unadvisable to make the Legislative Council of that province an elective body; but that it is expedient that measures be adopted for securing to that branch of the Legislature a greater degree of public confidence.

"5. That while it is expedient to improve the composition of the Executive Council in Lower Canada, it is unadvisable to subject it to the responsibility demanded by the House of Assembly of that province.

"6. That the legal title of the North American Land Company to the land holden by the said Company, by virtue of a grant from his Majesty, under the public seal of the said province, and to the privileges conferred on the said company by the Act for that purpose made, in the fourth year of his Majesty's reign, ought to be maintained inviolate.

"7. That it is expedient, that so soon as provisions shall have been made by law, to be passed by the Legislature of the said province of Lower Canada, for the discharge of lands therein from feudal dues and services, and for removing any doubts as to the incidents of the tenure of land in fee and common soccage in the said province, a certain Act made and passed in the sixth year of the reign of his late Majesty King George IV., commonly called 'The Canada Tenures Act,' and so much of another Act passed in the third year of his said late Majesty's reign, commonly called 'The Canada Trade Act,' as relates to the tenures of land in the said province, should be repealed, saving nevertheless to all persons all rights in them vested under or by virtue of the said recited Acts.

"8. That for defraying the arrears due on account of the established and customary charges of the administration of justice, and of the civil government of the said province, it is expedient, that after applying for that purpose such balance as shall, on the said 10th day of April, 1837, be in the hands of the Receiver-General of the said province, arising from his Majesty's hereditary, territorial, and casual revenue, the Governor of the said province be empowered to issue from and out of any other part of his Majesty's revenues, in the hands of the Receiver-General of the said province, such further sums as shall be necessary to effect the payment of the before-mentioned sum of 142,160*l.* 14*s.* 6*d.*

"9. That it is expedient that his Majesty be authorised to place at the disposal of the Legislature of the said province, the net proceeds of his Majesty's hereditary, territorial, and casual revenue arising within the same, in case the said Legislature shall see fit to grant to his Majesty a civil list for defraying the necessary charges of the administration of justice, and for the maintenance and unavoidable expenses of certain of the principal officers of the civil government of the said provinces.

"10. That great inconvenience had been sustained by his Majesty's subjects inhabiting the provinces of Lower Canada and Upper Canada, from the want of some adequate means for regulating and adjusting questions respecting the trade and commerce of the said provinces, and divers other questions, wherein the said provinces have a common interest; and it is expedient that the Legislature of the said provinces respectively be authorised to make provision for the joint regulation and adjustment of such their common interest."

Mr. *Leader:* It is my intention to oppose the resolutions proposed by the noble Lord, if the usage of the House permit. If the noble Lord in rising to bring forward the subject were under the necessity of craving the indulgence of the House, I must also claim similar indulgence, not only on account of illness, but on account of the vast importance of the question. The interests of a nation—the interests of a large and gallant body of fellow-subjects—depend on the vote which the House may come to on the resolutions proposed by the noble Lord. The resolutions were of vital importance, not only to the colony, but to this country, and any one much more competent than myself to discuss the merits of the question must approach it with some degree of awe. The noble Lord said he brought forward the resolutions with considerable reluctance, and I am not surprised at the expression. The noble Lord represented a liberal constituency, and was the leader of a liberal Government, and he must therefore have felt reluctance in bringing forward the most arbitrary measure that had ever been proposed to that House. It was, in short, a Coercion Bill. The noble Lord admitted that colonial assemblies were often in the right at the commencement, when they complained of grievances and claimed redress; but it also often happened that these colonies ended their claims by forming themselves into commonwealths. The Assembly of Lower Canada had commenced with the first mode of proceeding; but unless their just demands were conceded, they would not form themselves into a commonwealth, but throw themselves into the arms of a neighbouring republic. I differ from the noble Lord relative to the effects of the Act passed in 1828; and he will find on referring to it, that the report of his own Commissioners is equivocal on that point. The noble Lord had told us, that the Legislature has hitherto abstained from interfering with the steps taken by the House of Assembly. But what had caused that conduct but the course pursued for the last twenty years by a nominated council against the wishes of the Canadian people, and sustained by the bad policy of the Colonial-office? The noble Lord says if the Legislative Council were made elective, the interests of the people would predominate. What an objection to come from the noble Lord! The people of Canada say, in order that all legislation may not be impeded, there is an absolute necessity that the Legislative Council should be reformed; and the noble Lord proposes, by way of remedy, not that the Legislative Council should be so reformed as to act in harmony with the other estates, but that the House of Assembly, and the great body of the people should be made to conform to the vicious principles and practice of the Executive Council. The noble Lord says, it would be inexpedient to repeal the Act by which the North American Land Company hold their tenures. Now that very Act is one great subject of complaint. The people of Canada say, that the Tenure Acts and other Acts of a similar description, ought never to have passed the Imperial Parliament, and contend that so long as they have a Constitution and National Assemblies of their own, the Imperial Parliament ought not to interfere with their concerns. The noble Lord said, if the Legislature of this country supported the resolutions, the people of Canada would be placed in a most enviable position; but the noble Lord forgets one point; he forgets that if these resolutions are passed, the independence of the Canadian Assembly is annihilated; he forgets that the people are deprived of their constitutional rights. That would be the result of the resolutions. That would be the enviable position in which the people of Canada would be placed. Now, I would ask the noble Lord whether he is prepared to deprive that Colonial Assembly of the rights with which it is intrusted for the benefit of the people—is he prepared to deprive that Assembly of their control over their finances, of their control over the executive, and to tax the Canadian people without the consent of the National Legislature? That was the course pursued towards the North American Colonies. That was the cause of their separation from the mother country; and, with such an example before your eyes, will you persevere in such unconstitutional and arbitrary measures. Is there not an Act passed by the Imperial Legislature, which declares that the colonies of Upper and Lower Canada shall not be taxed but by their own Legislatures? And are not the resolutions of the noble Lord directly opposed to this principle? The noble Lord proposes that the House of Assembly shall pay certain arrears. They refuse to pay unless on certain conditions—these conditions are not complied with, and yet the noble Lord steps in between the parties—the Assembly and the Executive—and, in the most unconstitutional and arbitrary manner, endeavours to tax the colonies. If such a system is to be carried into effect, the constitution of Canada is a mere paper parchment, and the Assembly nothing more than a debating club. I therefore contend that so long as the Canadian people have a constitutional assembly of their own, it is beyond the right of this House to interfere with their concerns, or make any change in their financial affairs. The Commissioners had some feelings of this sort. What are their words?—"That such a measure would be less objectionable than any interference with the privileges of the Canadian Legislature or any tampering with the principles of the Constitution granted in 1791." The noble Lord said he was sorry there was no choice left but to adopt the latter course. And what would that amount to but to send troops to the country, and provoke the people by threats and the fear of slavery? Such was not a constitutional course of proceeding, and so long as the colonies had a Legislature of their own, this country had no right to tamper or interfere with the privileges of the people, or render null and void that power which you have intrusted to the Legislative Assembly. Now, this unsatisfactory and unconstitutional resolution—and he was not surprised when he read it—this unconstitutional resolution is founded on the report of the Commissioners, and is in accordance with the policy of the Colonial-office at all times. I do not confine my remarks to this or that side of the House; it is in accordance with that policy towards our colonies, which, for many years, has been most arbitrary, and which still remains unaltered. I heard the resolutions and the speech of the noble Lord with sincere regret, because they will be neither satisfactory to the Colonial Parliament, nor to the people of the country, whom they would exasperate in the highest degree. The grievances of the colony are, unfortunately, too well known, and it would only be a waste of the time and patience of the House to enumerate them. They have existed for more than forty years. In 1791, when a change was made in the constitution of the colony, it was said by many it would not work well, and the vital error and defect was the nominated Legislative Council. The prediction has unfortunately proved too true. The Constitution has not worked well. For twenty years a contest has been carried on between the nominated Council and the Legislative Assembly, and all legislation stopped. And what does the noble Lord propose to supply for a remedy? The noble Lord comes forward, not with a remedy, but with a resolution to make the people pay without directing his attention to their just demands. The grievances and the complaints had continued so long that a Commission was sent out, and a sort of report had been made; and he must say of that report that he had never seen a more curious, more incomplete, or more disjointed document. To the report drawn up and signed by the three Commissioners there are notes appended; some by Sir Charles Grey, disagreeing with a part of the report; some by Sir George Gipps, of a similar character; and there is only one on which they all agree, the general attack made on the hon. Member for Bath. All agree to that short report; and even the secretary was so delighted with it that he thought proper also to sign his name. In that report they said little or nothing of the remedy, but it was full of threats against the Legislative Assembly, full of projects for taking away their rights, and with schemes for converting the minority into a majority, and with plans and Bills of a similar nature, which, instead of satisfying the people of Canada, would excite them to the highest degree of exasperation. The report acknowledged there were many grievances—it acknowledged the Assembly had justice on their side; but there were many difficulties in settling the question, and they have not settled any question. They have staved many things off which, unless brought to a satisfactory conclusion, may lead to a separation between Canada and this country. Now the great point to be settled, and on which the Canadians laid the greatest stress, was making the upper assembly elective. That depended on the state of parties in Lower Canada, it was said because Gentlemen interested told us that it was a contest not for right, but a contest between English and French Canadians. Now that was not the truth, because there is a majority of English Members voting with what was called the French party. Many of British descent and many of American descent are found to agree with those of French descent. It could not, therefore, as insinuated, be called a contest of races—no, it was a contest between the people and a nominated council—it was a contest between the oligarchy and the democracy, insulted and trampled down by a miserable minority—an oligarchy who had so long tyrannised over the rest of the community that they think they are deprived of their rights when affairs are placed on a proper footing. Four-fifths of the Canadians wish to make the council elective; and the other fifth, interested in abuse, are determined to keep up the nominated council, and say they will never submit to the National Colonial Assembly. In favour of which of the two parties will you decide? Will you agree with the minority or the majority? That is the real state of the question. When the constitution was granted in 1791, the ministers of the day thought it would be a great benefit to give a constitution as much like to that of England as possible and they accordingly framed it on the same plan, though with different titles for the separate estates. For the King the colonies have a governor—for the cabinet a privy council—for the House of Lords a Legislative Council, and for a House of Commons a House of Assembly. The great difficulty was to find proper persons to constitute an upper House, because in Canada there are no elements for an aristocracy—no persons of the proper stamp to make a House of Lords; but the Government finding it was necessary to make the constitution like that of England, created that assembly of officers nominated by the Crown. It was hardly to be expected that a body thus nominated would agree with an assembly elected by the people; and the consequence was such as every man expected—the two houses did not agree on any one point, and all legislation was stopped—the assembly was useless, and the colony was deprived of the benefit of a Legislature, because it had been judged necessary to adopt this scheme for a House of Lords. What remedy do the Commissioners propose? They do not propose to do away with the Legislative Council, or reform it, though after forty years experience it had been found a failure. They did not propose to restore to harmony the Executive, the Legislative Council, and the House of Assembly, but still to keep up and preserve this strange and anomalous body. The Commissioners in their report admit that there was a want of harmony and a hostility shown towards the Legislative Council, and that something was expected by the people by which the Council would be placed more under control. Their words are:—"With these signs, therefore, of a continued hostility before us, we are disposed to ascribe the fact of no formal demand for an elective Council having been made before 1833 simply to the expectation entertained by the popular party, that in consequence of the recommendations of the Committee of 1828, very essential alterations in the composition of the Council were on the point of being effected. An alteration was indeed produced in 1832. The judges ceased to take any part in its proceedings, and thirteen new members, unconnected with the Government, were added in the course of the year; but that these new nominations were unsatisfactory to the Assembly, and that the disappointment, they felt at the alterations in the Council was the cause of their fresh proceedings against it, may be inferred from the fact, that in the next session of the Legislature was voted the first address in which a demand for an elective Council was put forth. . . . We certainly do not think that either the recommendation of the Committee of 1828, or anything that subsequently issued from a competent source, warranted an expectation that the Legislative Council was to be made entirely to harmonise with the feelings of the Assembly; nevertheless that something of the kind was expected by the popular party does seem beyond dispute. We do not feel called on to pronounce an opinion on the propriety of the appointments in question; and the less so as they were narrowly scanned in the cross-examination of Mr. Morin, before the Committee of 1834; but we may, we think, venture to say, that whilst they satisfied the terms of the recommendation made by the Committee of 1828, as far as the matter of pecuniary independence of the Crown was concerned, they scarcely produced an alteration in the political character of the body to which the new Members were aggregated." The next topic they advert to is the contest between the two races. That part of the report concludes with the remark, that though at first it might have been expedient to make some change in the constitution of the assemblies, it would not be advisable to adopt the principle now. And why? Because it would only take the power from one and give it to the other—the very argument used by Gentlemen opposite when they refused Corporate Reform to Ireland. They said "No! it may be just to give Corporations to Ireland, but we will not, by giving Corporations to Ireland, create a party triumph." It is perfectly surprising that Commissioners appointed by a liberal Government should have drawn up such a report. It ends by quietly recommending that as they cannot agree to make the Legislative Council elective, the Constitution of Canada should be taken away altogether, and a Coercion Bill substituted for it. Such, Sir, is the argument of the Commissioners. But I appeal from the Commissioners to this House. Nay, I appeal to the noble Lord, and ask him if he is prepared to sanction such an argument as that? The Canadians, in a constitutional manner, ask for the introduction of the principle of election into the Legislative Council, both as a great measure of reform, and as a measure of urgency, without which peace cannot be restored to Canada. What is the answer of the Commissioners? "We cannot agree to your request, for it is contrary to the unity of Government in the British empire. But we have a remedy of our own; which is to deprive you of the control over your finances, and to take away your Constitution. We cannot consent to the introduction of the elective principle; for then the Legislative Council will not be like the House of Lords." Sir, let it be remembered that in the first instance the Legislative Council was but an experiment. Mr. Pitt said that it was only an experiment. What were the words of another great statesman on the occasion of its establishment? The noble Lord told us the other night that when he wished to seek for large and liberal principles of Government, he did not refer to the system of Locke or the technicalities of Blackstone. I perfectly agree with the noble Lord, that a more powerful advocate of liberal principles than Mr. Fox never lived. But what did Mr. Fox say on the occasion to which I have just alluded? In the debate on the Quebec Government Bill in 1791, Mr. Fox said, "He did not advise giving Canada a servile imitation of our aristocracy, because we could not give them a House of Lords like our own. The Chancellor of the Exchequer appeared to be aware of this, and therefore he had recourse to a substitute for hereditary nobility. It was, however, he must contend, a very inadequate substitute; it was a semblance but not a substance. Lords, indeed, we might give them, but there was no such thing as creating that reverence and respect for them on which their dignity and weight in the view both of the popular and monarchical part of the constitution depended, and which alone could give them that power of control and support that was the object of their institution." The experiment has now been tried for above forty years; and the result has shown that Mr. Fox was right. It has been a complete failure. In a subsequent part of the same speech, Mr. Fox said, "Instead, therefore, of the King naming the Council at that distance—in which case they had no security that persons of property, and persons fit to be named, would be chosen—wishing, as he did, to put the freedom and stability of the Constitution of Canada on the strongest basis, he proposed that the Council should be elective" So that I now merely propose what the noble Lord's chief authority in political matters proposed in 1791. Mr. Fox added, "In order to show that his idea of an Elective Council was not a new one, before the Revolution, more of the councils in our colonies were elected by the people than by the King." Such were Mr. Fox's views on the subject in 1791. He at that time predicted what has since happened. We have now the experience of forty years to guide us. Is the noble Lord prepared to oppose not only the opinions of Mr. Fox, but the result of the experience of nearly half a century? I beg leave to tell him, that if he perseveres it will be, in a very short time, impossible for his or any other Government to rule Canada, except by force of arms. Is England likely to derive either honour or profit from such a state of things? Remember the consequences of the unholy policy pursued towards America. Compare that policy with the liberal policy now pursuing towards Ireland, and determine which is the best. Remember that Canada has been complaining for these thirty years. Remember that there is in her neighbourhood a great, flourishing, and powerful republic, anxious to assist her. Remember that the attachment of Canada to England, not weakened at present, can be destroyed only by obstinate perseverance in an unjust course. I appeal to every hon. Gentleman who remembers the contest with America; I appeal to every man who prefers free institutions to arbitrary rule; and, above all, I appeal to the hon. Members from Ireland to do justice to Canada. In political condition Canada may be considered a miniature of Ireland. The Irish Members demand justice for Ireland; I demand justice for Canada. Sir, I move as an amendment to the noble Lord's resolution. "That it is advisable to make the Legislative Council of that province an Elective Council."

Mr. *Robinson* observed, that the speech of the hon. Member for Bridgewater had been a complete commentary upon that delivered by the noble Lord opposite, who had moved the resolutions now under the consideration of the House. Everybody, however, who was acquainted with the policy of the present Government must be well aware that the noble Lord must have submitted those resolutions for the adoption of the House with a great deal of reluctance, and that those resolutions never would have been brought forward by him if he had not felt that every means for the conciliation of the Canadian people had been completely exhausted. The hon. Member for Bridgewater had assumed throughout the whole of his speech that the House of Assembly were right in all their demands—that the legislative council had been decidedly wrong—that the Commissioners had been wrong in their views, and that the Government itself had acted under error. Now, certainly this was a very modest assumption. When the hon. Gentleman, on behalf of the Canadian people, demanded that the constitution of 1791 should be maintained, as he contended it ought to be maintained inviolate, and yet the hon. Gentleman had moved an amendment in utter violation of that very constitution, because nobody could now deny that the constitution of 1791, which made the House of Assembly part of that constitution, expressly provided that there should also be a Legislative Council nominated by the Crown. The hon. Gentleman had quoted the words of Mr. Fox on the occasion of the debate on the Quebec Government Bill in 1791; he would also quote an expression of Mr. Fox, used in the same discussion, which admitted of a very different construction from that contended for by the hon. Member for Bridgewater. Mr. Fox never supposed that either in the colonies or in this country there would ever exist such an anomaly as the House of Representatives of the House of Assembly substantially enjoying the supreme power of the state; and what did Mr. Fox say in 1791? In memorable words he laid it down as a principle never to be departed from—namely, that in every part of the British dominions, there ought to be a government in which the monarchical, the aristocratic, and the democraticprinciple were eventually blended, nor, indeed, was there any government fit for British subjects to live under which did not contain its due weight of those three elements of a constitution. Now, this principle was that which he now contended for with reference to the present question, and this was the point at issue between the hon. Member opposite and the Canadian people, and the legislature and government of this country. It was true the hon. Member had chosen to say, that this was not a dispute between the Canadians and the British people; but he was prepared to maintain that the whole of this contention was neither more nor less than a dispute between the Canadian people, who were endeavouring to maintain separate nationality in Canada, and the British people settled there. In support of this proposition he would refer to a Canadian journal, the *Minerva*, the organ of Mr. Papineau's party, the views of which would fully account for the very extraordinary demand now made upon the government of this country, In the *Minerva* he (Mr. Robinson) found this statement:—"On examining with an attentive eye, what is passing around us, it is easy to convince ourselves that our country is placed in very critical circumstances, and that a revolution perhaps will be necessary. We have a constitution to remodel, a nationality to maintain, and these are the objects which at present occupy the attention of all Canadians. I repeat, that an immediate separation from England is the only means of preserving our nationality." Here let him remind the hon. and learned Member for Bath, who last year had taken occasion to deny his (Mr. Robinson's) assertion, that the struggle between the House of Assembly and the British nation, or rather the British Parliament and Government, was this—that they, the House of Assembly were determined, if possible, to govern Canada for and by the Canadian population alone. He spoke of the French Canadian population. Now, let the House see what the organ of Mr. Papineau said upon that subject:—"Some time hence, when emigration shall have made our adversaries equal in number to ourselves—when they shall have become more daring and less jealous, they will deprive us of our liberties, or we shall share the same fate as our unhappy countrymen in a neighbouring district. This is the fate that awaits us." He contended that these articles amounted to an open declaration that the French Canadians were determined to maintain a system of government in that country the effect of which would be to preclude the possibility of British settlers going out there, in consequence of the apprehension that the necessary consequence of the influx of British settlers into Lower Canada would be to equalize in the process of time the population, and to destroy the preponderance of the French Canadian party. He (Mr. Robinson) begged now to ask the British Parliament if that was the course of policy in which the Legislature ought to concur. This country looked to her colonies in North America as furnishing an abode and employment for her surplus population, and therefore could she permit the House of Assembly to say, "You shall not send your population here?"

No, such would be a course of proceeding to which the government of this country ought not and could not be expected to yield. The hon. Member for Bridgewater had forgotten to state, that when the present Government came into office they undertook to follow up and to adopt the system which had been designed by the Administration which they succeeded—namely, by sending out Commissioners to inquire into the state of Lower Canada. No objection could be raised to the three Commissioners who had been sent out; their characters were such that no man could pretend to doubt for one moment that they had a most anxious and sincere desire, if possible, by every reasonable concession to the Canadians, to redress their grievances. Could any honest man who looked to the diligence, the assiduity, the anxiety with which those Commissioners had performed their numerous and most arduous duties, looking also at the instructions given to them by Lord Glenelg, could any man—nay, he would even put it to the hon. and learned Member for Bath, entertain a doubt that the Commissioners had not manifested a desire to fulfil those instructions, and by so doing to make every concession to the French Canadian party that was consistent with the rights of the British subjects in that colony and the supremacy of the British crown? He (Mr. Robinson) felt convinced that the Commissioners had come to the recommendation with which they concluded their report only when they found that all their hopes of conciliation were destroyed. Did the hon. Member for Bridgewater recollect that when the Earl of Gosford wrote and published his able and most conciliatory address to the House of Assembly, in which his Lordship declared that he came charged by the King with the duty of inquiring into all their grievances—that he was resolved so far as depended on him to carry out his instructions to their fullest extent, did the hon. Gentleman remember that the Earl of Gosford also declared that he would in future remove all cause of complaint as to the filling up of public offices, and that the Canadians should have their full share in those public appointments? In short, no man could read the noble Earl's first address without being impressed with the conviction, first, that the Government had sent him on a mission of peace and good-will, and next that the Earl of Gosford was a man determined, if possible, to carry such their design and intentions into the fullest operation and effect. He thought that last year the hon. and learned Member for Bath spoke in terms of eulogy of the Earl of Gosford. [Mr. *Roebuck*: Never; on the contrary, I always condemned the Commission.] He had, then, misunderstood the hon. and learned Member. However, it appeared that the Earl of Gosford felt it his duty to do justice to every class of his Majesty's subjects in the colony, and from that moment the French Canadians turned round and said he was worse than his predecessor, Lord Aylmer. He had ever been the advocate of liberal principles—his interests were identified with those of Canada; but he must deny the existence of any identity whatever between the state of Canada and the state of Ireland. When the hon. Member for Bridgewater talked of an analogy between the two countries, he must ask the hon. Member whether any portion of his Majesty's subjects in Canada laboured under any disqualification, civil or political, on the ground of religion? And yet the Canadians meant nothing more nor less than this—namely, to demand that the whole power of the colony should be vested in the House of Assembly. It was true they talked of an elective Legislative Council, but what was meant by that? Why, a council which, by the adoption of the elective principle, should be rendered a mere echo of the other house. He would not say that the Legislative Council had not adopted extreme views, because if he understood the noble Lord right, the Government were desirous of altering its constitution so as to make it harmonious with the feelings of the House of Assembly. He hoped, however, the Council would not be made dependent upon the House of Assembly, as, if such were intended, it would be better to give up the government of Canada entirely. He hesitated not to say, that the inhabitants of Lower Canada would infinitely prefer that the Government should abandon them altogether than that it should yield to the extravagant and most extraordinary demands of the House of Assembly. Was it to be believed that the Canadians themselves really desired a separation from this country, if those terms and those demands were not acceded to? No such thing. The hon. and learned Member for Bath would doubtless endeavour, by and by, to persuade the House that the Canadian population were unanimous in support of the views of the dominant party in that colony. He, however, begged at once to deny the fact. He admitted that Mr. Papineau and his party exercised an influence over the elective body there; but he must at the same time affirm, that a very considerable portion of the Canadian people were adverse to his extreme views and would be disposed to adopt the remedy for existing evils which the noble Lord by his resolutions had pointed out. But how could it be expected that the Canadians would be satisfied with what the Government of the mother country proposed to do when, in addition to the excitement kept up amongst them by Mr. Papineau and his party, the hon. and learned Member for Bath and the hon. Member for Middlesex contributed to that excitement by sending out the most inflammatory statements to that country. In one of those addresses the power of this country over the province of Lower Canada had been called a baneful domination. After this from the hon. Member for Middlesex, he was not surprised that the hon. and learned Member for Bath should follow in the same steps, and in his communication state, that if grievances were not redressed, recourse must be had to arms.

Mr. *Roebuck* rose to order. That assertion had been so often contradicted by him, that he was surprised the hon. Member for Worcester should again quote it.

Mr. *Robinson* was not aware the language he had cited, had been denied by the hon. and learned Member for Bath; on the contrary, he had supposed the use of it had been admitted. If he was wrong in that supposition, he begged the hon. and learned Gentleman's pardon.

Mr. *Hume:* I deny also the use of the language imputed to me by the hon. Member for Worcester.

Mr. *Robinson* observed, that he had the letter of the hon. Member for Middlesex in print, and had never heard it denied before. The noble Lord opposite (Lord J. Russell) had justly observed, that the British Parliament had been absolutely menaced by the French Canadian party, and their supporters; and it had been said, that if these resolutions were attempted to be carried, it would lead to a rebellion in Canada. Now, he remembered that last year, the hon. Member for Middlesex stated, that these demands were not confined to Lower Canada, but that they had found their way into other provinces of British North America; indeed, if the same feeling were not to be found there, it was not for want of vast exertion, and great assiduity on the part of the Canadian party, who had sent forth their resolutions, and had endeavoured to inoculate the other provinces with the same democratic principles and feelings. But let the hon. Member for Middlesex now call to mind the complete revolution, in point of feeling, which had taken place in Upper Canada for instance, where similar demands had been made, since last year. Let him remember what in that province had been the effects of the judicious course pursued by Sir Francis Head—a course which had led to a complete change in public opinion in Upper Canada; and he would venture to say, that at the moment at which he was speaking, there was not a colony in his Majesty's dominions, a people more satisfied with the constitution under which they lived, and their connexion with the mother country, than the population of Upper Canada. So also were the other North American Provinces; and so, also, would be the people of Lower Canada, if they were freed from the mischievous firebrands that were sent forth amongst them. The Legislature of this country, by the course now proposed, were endeavouring to persuade a class of men, eminently industrious, virtuous, and well-disposed, to preserve the connexion with the mother country, conscious of the benefit of her protection, that happy would be their lot but for the unfortunate influence exercised over them, in bringing them in opposition to the Government. The noble Lord opposite, in a speech of great moderation, had pointed out the course which the Government meant to pursue, in the unhappy exigency which had arrived. The necessity for interference had, however, now arisen. He contended, that neither the Canadian House of Assembly, nor the Commons House of Parliament were justified in exercising their privilege of stopping the supplies, except in an extreme case; that powerful engine was only given to guard the rights and privileges of the popular branch of a government like that of this country, against invasion by the Crown, or the other House of Parliament. Now, there had been no such invasion of the rights and privileges of the House of Assembly in Canada, but there the people had made use of that engine, and said, until a change was made in their constitution, they would not pay the public servants of the state. Those servants had been kept no less than a period of four years out of their salaries, the victims of an experiment to extort and force a change in the Canadian Constitution. Anxious as he was to support the privileges of the House of Assembly, he should cheerfully support the noble Lord opposite in the proposition he had made, and take sufficient from the funds already in the Treasury Chest of that colony, to pay the amount of arrears now due. With respect to the Executive Council, every one must concede that if it was made responsible to the House of Assembly, there would be a complete abrogation of the rights of the Crown in that colony. Who could doubt either, but that if the Legislative Council was made elective, the rejection of measures not to be approved would be thrown upon the Governor-in-Chief, and thus the whole odium would be thrown on the King's representative? But if the analogy of the United States was to be preserved, the next step of the Canadian party would be, to demand an elective governor also. The hon. and learned Member for Bath stated they did seek that change. He did not doubt it would be the next step taken, and thus a democratic form of government was sought to be established. He differed from the noble Lord on the wording of the fourth resolution. Why should the words "the existing state of Lower Canada" be introduced? Because, if they meant anything, they meant that time and circumstances might arrive, in which Government might be disposed to concede the point. He would tell the noble Lord, that he must be both firm and conciliatory; he must concede every thing to the Canadians, and every thing should be conceded to them on account of their prior claims, as being the original proprietors of the soil; he would say nothing about dominion acquired by conquest, a term which was frequently used in reference to Ireland, although "agitation" was equally well known in both countries. The Commissioners had unanimously declared, that the claims of the British American Land Company, of which he had the honour to be a governor, had been founded on such principles, that any attempt to shake it, would shake the foundation of all property in that colony. But the Commissioners had not stopped there—they had informed the British people, that from the existence of that Company the colony had derived most important benefits. It had caused the employment of a considerable amount of capital, without which the waste lands would never have been improved, and it had laid a foundation for the Government to pursue a wise course in respect to British settlers there, and to enable them to render the colony, in a few years, as flourishing as it would have been long ago, but for the antiquated prejudices of the Canadians themselves. Some of the demands which they had made were, however, such as could not be acceded to. One demand was most audacious—namely, that the Imperial Parliament here, should be made subservient to the House of Assembly there. They denied the right of that House to legislate for the colony in extreme cases. He protested against that audacious doctrine. The noble Lord had alluded to a case last year, in which the House of Commons unanimously legislated for Jamaica. He admitted that there might have been one or two hon. Members who objected to that course; but their number was so small, that no notice was taken of the circumstance. To grant such a demand would be to diminish the prerogatives of the Crown in Canada. But if such demands were persisted in, and such language as he had alluded to was continued to be held out to this country, then the Canadians should be told, that the British House of Commons would, as a *dernier resort*, abrograte the constitution of 1791. That House ought not to sacrifice the privileges and prerogatives of the Crown to any of our colonies. If the Canadians were strong enough to enforce their demands, they should be told at once, that the time had arrived when they might, like the United States, shake off their allegiance altogether; for he had no notion of people continuing to live under the protection of this country, who denied, or attempted to deny, their allegiance to the British Crown, and refused to yield obedience to the Imperial Legislature. The noble Lord, and the right hon. Baronet must know, if they were well acquainted with the state of the colonies, that the threats which had been held out on the part of the Canadians, were merely used for the purpose of enforcing the arguments of the hon. Gentlemen who had recourse to them, and that, in fact, they amounted to nothing at all but words, without any reality in the general feeling of the colonists to justify them; and it was equally true, that a great portion of the Canadians would detach themselves from the dominant party, if they once saw, that while the British Government was determined to maintain its authority, it was also disposed to give them every assistance, and to make all concessions that were not likely to prove inimical to the existing privileges of his Majesty's British subjects who had settled there. Was that colony to be governed for the universal benefit of the Canadian people, or for a portion only? He would repeat what he had before stated, that the object of the Canadians was, to secure the nationality of Lower Canada, and the French laws. He had no wish to deprive them of those laws—he had not the slightest wish to interfere with their privileges; but to allow them to be enjoyed by the Canadian party alone, was a proposition to which he never would consent. He could not foretel what would be the result of the present unfortunate state of affairs, because much would depend upon the Canadian party itself, and on the unanimity of the House in passing these resolutions. Undoubtedly, if there appeared to be a great division, not of opinion in the debate, but of numbers, it would be very unfortunate, because nothing would be more calculated to assist the views of the extreme party in Canada. He did not ask those hon. Gentlemen opposite who differed from him, to abandon their views, but he hoped that no obstacle would be thrown in the way of the Government, and that the resolutions would be adopted. He hoped also that the French Canadians themselves would see that they had been resorted to in an extreme case, and that they would have the good sense to submit to them, because he did not see why, if these resolutions were adopted, all existing differences hould not be settled.

Mr. *O'Connell* said, something had fallen from the hon. Gentleman who had just sat down, which induced him to take that opportunity of delivering a few words explanatory of his own opinions on this question. The hon. Member had told the House, that he was a man of liberal opinions, but the hon. Member had the oddest manner of showing his liberality that he ever knew, and especially on the present occasion, when he came forward, and used such exceedingly harsh language as he had done towards the Canadians. Although he was *ex officio*, a party interested he had ventured to talk of the audacity of the other party, that party being the representatives of the nation assembled in their legislative capacity: by virtue of his privilege as a Member of that House, he had ventured to treat men, his equals in everything, and he believed his superiors in many things, with the language he had used. Why should he use the word "audacity" or "audacious?" The men to whom he applied that language were men who had been elected, not by bribery, not by corruption, not by intimidation, not by the power of the aristocracy, but by the people, men who represented the wants of the people, and had persevered in an honourable course against every obstacle in maintaining the rights and privileges of their constituents. Why the hon. Member himself was one of the grievances of which the colonists complained. It was exceedingly bad taste, then, for that hon. Gentleman to put himself forward as their antagonist; and he must add, that the company of which the hon. Gentleman was chairman appeared to be a direct violation of the principles upon which the Canadians ought to be governed and the privileges they ought to enjoy. Therefore, he thought they were justified in opposing it. Having disposed of that portion of the subject, he would express his deep regret at having heard the propositions which had emanated from the noble Lord. He thought they contained some of the very worst principles of the worst Tory times. They involved principles that had been the fruitful source of civil war, and dissension, and distraction in Ireland, for centuries. The analogy between Canada and Ireland was greater than the hon. Gentleman was willing to admit. In fact it was complete; and if they came to names, when they spoke of Papineau they had only to substitute another name with an O at the beginning. The cases were precisely similar. This House of Parliament was to lay hold of the monies raised by the Canadians, the Canadian representatives being permitted to exercise only one of the functions, to raise the supplies, but not to appropriate them. But the one function ought not to be separated from the other. It was a mere mockery to give them the power of raising money, and then to take that money away. That was the very thing that made the Americans resist—and, blessed be God! they did resist, and the consequence had been the spread of that democratic principle which had been abused, and which ought to be abused, by those who dislike it, and who felt they would be losers by its growth. The very spirit of resistance, then, was involved in the resolutions. The hon. Gentleman, who was chairman or director of the company concerned, had talked of the necessity for doing this or that. Why necessity was the constant plea of tyrants. Was it not necessity that introduced a Coercion Bill into Ireland? Was there a single individual who brought forward and supported that Bill that did not talk of the necessity for it? The plea of necessity might be made to justify anything. Well, but what was the necessity in this case? What did it teach them? Try, at least to do something for Canada—justice for Canada! Let them have such a Legislative Assembly as they wished for, and if they persevered in their appeals to that House, he hoped that by a considerable majority they would be protected from being deprived of their money. He protested against the resolutions, and hoped that the amendment of the hon. Member for Bridgewater would be adopted. The hon. Gentleman (Mr. Robinson) had talked of the Canadian party. Was not that what was done in Ireland by the Orange party? The Canadian party were the people of Canada. What was the proof of that? Why, they returned the proportion of 80 out of 88 of the Members of the Legislature. Was that a party? What! a party that elected so overwhelming a majority of the Legislature? The hon. Gentleman might call it a party if he pleased; and he sat himself in a seat which was occupied a short time ago by a Gentleman who called the Irish nation a party in precisely the same kind of way. The Irish nation was opposed by the Orange party, and that party called the nation a party. But then it would be objected the question of religion does not arise in Canada so much as it does in Ireland. No, but the miserable distinction of party did; and if religious dissensions had been avoided hitherto, he did not think, from certain hints which had been thrown out, that Canada would be long free from them. It appeared from the last authentic reports that 314 high situations and important offices were filled by persons of British birth, and only forty by Canadians. He would not say what the proportion was at present, he did not know it precisely, but he had reason to believe that the whole proportion of persons of British birth in offices of influence and emolument was exceedingly great as compared with the Canadians. In short, the Court party, if he might so call them—the British party, was the Orange party of Canada. He was very sorry to perceive from the report of the Commissioners that they seemed to be in favour of the British party. There was hardly a word which had been used by hon. Gentlemen on the opposite side that might not have been put into the mouth of an Orangeman when speaking in reference to Ireland. In fact, he had heard that the Orangemen who had gone out to the Canadas had joined that party which the hon. Gentleman supported. When he had heard it, he had told his informants, "why, the thing is just the same as it is in Ireland, there is an Orange party there." The hon. Gentleman had contended that if we protected Canada she was bound to give us her allegiance. Was she not able to protect herself, then? What had America lost by protecting herself? In New York property would sell at forty-five years' purchase, while in Canada it would fetch only eighteen or twenty years' purchase. What was the reason? Because there was an independent system of government established in the former country. Why should not Canada have a legislative Government of its own? What could be more miserable than to be governed by its present left-handed House of Lords? Why should any irresponsible body be placed over it by the Crown? Was it necessary for the protection of the Crown? Certainly not. It was not the way to secure the authority of the Crown. Did not the hon. Gentleman remember, that during the American war an officer rose up in the House of Commons and said, "Give me an army? No, I do not want it. Give me the old watchmen of the city, and I will march from one end of America to the other." But what was the fact? Some of the finest grenadiers that ever stepped from the ranks were sent out afterwards, and some few of them returned, but not crowned with laurels of victory. It was all idle vapour to say, that a people could be outraged with impunity. He hoped the House would join him in saying—"Give the Canadians further constitutional privileges." In reply to the statements of the hon. Gentleman with respect to the complaints of the Canadians, he would ask him if he had ever heard of granting lands to certain persons half an hour before the time of voting? [Mr. *Robinson* said, that was done by a packed House of Assembly.] O! that was right. A packed House of Assembly! But the hon. Member ought rather to declare that they were all most properly elected. The great point, however, to be considered was, that Canada ought not to be governed for British purposes merely. We ought not to hold it for one moment, and we could not want to hold it, for the trifling pecuniary advantage to be derived from it. And as to our commercial interests, commerce, instead of being diminished, would be augmented if Canada were freed. There was not a man in that House but would scorn the idea of levying any contributions on the Canadians. Let their interests be fairly and fully stated to the House, and if any thing appeared which rendered our fixed principles of government inconsistent with the benefit of that people, let us generously and at once let them go free, and tell them if we cannot govern them for their benefit, we will not govern them at all. But he implored them not to assist a party merely—not to leave Canada to be dealt with by a party only—not to hand it over to a system of jobbery to be managed by persons who only wished to get something out of it. Let them not create a party, which, when it came to the fair test of representation, hid its diminished head; nor let them support any party in plundering the people. Let them distinguish between robbery and rectitude, between plunder and justice. Let them prove that they were governing Canada for the good of the Canadians, or let them cease to take money from the Canadian people.

Mr. *Patrick Stewart* could not agree with the hon. and learned Gentleman in the analogy which he had attempted to draw between the cases of Canada and Ireland, because he had thought that the grievances of Ireland were always attributed to religious distinctions, which had been persisted in to the great detriment of the peace of that country. In Canada, there was not now, nor had there ever been, any religious distinctions producing the same results. Again, Canada differed from Ireland, because the chief point in dispute was now, that the legislative body of that colony had refused to perform its functions unless something which they desired should be granted by the British Government at home. He denied the analogy also with regard to America; the object this country had in view, in the latter case, was an increase of our revenue, but with Canada we had no quarrel of that kind. He felt it his duty to contradict something which had fallen from the hon. Member for Bridgewater, with regard to the prayer of a petition from Canada which he had the honour to present to that House last year. The following was an extract from the petition:—

> "That your petitioners, deeply deploring the inevitable necessity of external legislation in the internal affairs of the province—a necessity which springs from the systematic hostility of a dominant party to the provincial Executive, and to the progress of rational improvement, humbly rely on the wisdom and justice of your honourable House to concur in such modifications only of the provincial constitution as may be deemed indispensably requisite to afford permanent relief to the financial embarrassments of the Executive, to maintain the subsisting connexion between the mother country and the colony, and to preserve in their proper places, and within their due limits the mutual rights and privileges of all classes of his Majesty's subjects within this province."

That petition was signed by upwards of 12,000; and lest it should be said, as had been to-night, attempted in vain to represent them as identified with the Orange party in Ireland, the professors of old and by-gone principles, the monopolisers of power and place, they added a designation of themselves, which in the present state of political feeling within those walls should have some weight with those who sat on that (the Ministerial) side of the House. This was their designation:—

> "Numbering in our ranks, many who were, both in Britain and Ireland, foremost in the cause of Reform—independent in our principles—unconnected with office—of all classes and all creeds—bound together by the endearing recollection of a common origin, and the powerful sentiment of a common danger, we are prepared to resist to the utmost the efforts of a party which, under the specious guise of popular institutions, would sever wisdom from

power, respect from intelligence, and consign us to unendurable bondage."

Such was the language of the petitioners, and yet they were told that it was the unanimous desire of the Canadian people that they should so far upset the Constitution of 1791, which they sought to perpetuate by introducing into the Legislative Assembly, the slippery unstable foundation of the elective principle. The hon. Member for Bridgewater said, he deprecated the interference of the British Parliament in the internal affairs of Canada. But Sir James Mackintosh admitted, that Parliament had the right of interference. He admitted that a case for interference might arise. All he contended for was, that the circumstances should be strong enough to justify that interference. He only sought to put off, for six months, the Act introduced by the hon. Member for Coventry. His language in 1822 was,

> "He was anxious that his view of this question should not be misunderstood. His own opinion was, that such a power (the power of making and of altering laws which should be binding on the colonies) did inhere in Parliament by the law and constitution of England. It was a power which ought not to be wantonly or indiscriminately exercised, but which should be reserved for extraordinary occasions—to preserve the unity of the empire—to prevent discord between distant dependencies—to regulate the general commercial intercourse of every part of Europe—above all, to correct any extraordinary act of direct misrule and oppression which the provincial governments might commit."

Now he maintained that the necessity had actually arisen in the case before them, for the interference of the Imperial Parliament. He acknowledged the difficulties of the case, and that they were even proceeding on the unpopular principle of legislating against the majority; but his defence was, that that majority had been got up by a system forced and untenable. He could, for instance, name one member of the Assembly who had been denounced and displaced by M. Papineau, because he drew back from the course into which he was attempting to inveigle them. The hon. Member then referred to the Act of 1791, which Mr. Pitt acknowledged to be an experiment, which established the franchise on one principle in Upper, and on another principle in Lower Canada, and which, though partially remedied by an Act in 1829, still contained in it an inherent vicious principle. The franchise should be so framed as to include the widest range of the population settling there, so that all might be represented directly or indirectly in the House of Assembly. He could not but express his regret that the present occasion should have arisen, but he must say, and he was sure the country would support the opinion, that the noble Lord had acted consistently as the friend of the people, whetherabroad or at home, in interfering as he did in this matter. They talked of interfering with the money of the Canadians. They did no such thing. They did not even repeal the Act of 1831, the Appropriation Act; they merely took the accumulations which had arisen under it, which had not only not been appropriated but unfairly and dishonestly retained, and assigned them to the purposes for which they were originally destined, when that Act was passed. He inferred from the 10th Resolution that a federal assembly was to be formed from the two provinces, to which would be intrusted the whole regulation of navigation and every thing else connected with the trade of the St. Lawrence, by which the old cumbersome system of duty would be completely superseded. If that were the intention of the noble Lord, he would say it was prospectively the most valuable of all the resolutions. He hoped the hon. and learned Gentleman below him (Mr. Roebuck) would have no concealment here. There was no doubt they would have a forcible denunciation of the resolutions, but he hoped the hon. and learned Gentleman would act in regard to the Canadian question as he did on a recent occasion with respect to the home policy of the Government. Before special measures had been introduced, he denounced them all, and before a single actor had appeared on the stage, cried "Off, off;" but successively as the bills were produced, he appeared again as the able and zealous supporter of them all. So with respect to these resolutions, the House should not place much stress on his general denunciations, assured that on second thoughts, and on discussing them separately, he would give the case of the Canadians his efficient support. He hoped the Government would adhere to their Resolutions, and pursue the constitutional, sound, and safe policy of extending to the Canadas the power and protection of the Imperial Parliament.

Sir *W. Molesworth* had listened attentively to the speech of the noble Lord, the Secretary for the Home Department, and to those who had spoken on the same side of the question, without hearing any argument which could at all support or justify the extraordinary resolutions which had been proposed for the adoption of the House. He would not go at length into the state of affairs in the Canadas. The hon. Member for Worcester, the chairman of the British American Land Company, and the hon. Member who last addressed the House, also, he believed, a member of that company, took occasion to deny the similarity which existed between the state of affairs in Canada and Ireland; whereas he contended with his hon. and learned Friend, the Member for Kilkenny, that Canada was but Ireland on a small scale. On the one side, they had the vast majority of the people—on the other "a miserable monopolizing minority," arrogating to itself superiority of place, and treating the rest of the people as aliens in blood. He called on that House to assist the representatives of the Canadian people. The Canadian people complained of certain grievances, and their representatives had adopted the constitutional mode of refusing to grant the supplies till those grievances were redressed. The noble Lord called on the British Legislature to exercise a sovereign power and interfere with the House of Assembly in its control over the revenues of the province. Now, had the noble Lord any right to do so? He denied that the British Legislature was sovereign in Canada with regard to money affairs. The first question was one of sovereignty. According to the constitution of Canada, the rights, privileges, and powers of the House of Assembly in regard to Canada were in every respect similar to the rights, privileges, and powers of this House with regard to the King. They were founded on precisely the same principle—namely, that the Representatives of the people should alone determine the mode and manner in which the money levied from the community ought to be appropriated. By the 18th Geo. 3rd, this principle was acknowledged with regard to all the colonies, and 31st Geo. 3rd, and 1st and 2nd Wm. 4th specially asserted it with reference to Canada. The Lower Assembly was supreme in money affairs. With that supremacy the noble Lord wished now to interfere. He attempted, in that respect, to alter the constitution of Lower Canada. It had been said, that the hon. Member for Bridgewater had also proposed a change in that constitution; but there was a great and palpable difference between the two cases. An alteration, such as his hon. Friend had recommended, being in accordance with the wishes of the people, and in deference to them, was an act of constitutional reform; whereas, the alteration proposed by hon. Members on the other side, was in direct opposition to the wishes of the people, supported by the superior force of a foreign and extrinsic power, became an act of grievous tyranny. In this case, if the people were strong enough, they were morally bound to have recourse to their right of resistance. But the noble Lord said, that the conduct of the House of Assembly had been reprehensible. He denied that the noble Lord was a judge of that fact. The Crown had a constitutional right to negative the measures passed by the Canadian Legislature, but the Ministers of the Crown had no right to cite the House of Assembly before the tribunal of the British Parliament. It was not competent for them to interfere with the rights of that Assembly with regard to their control over money affairs. Perhaps the British Legislature had such a power, but not the right; and such a power being founded on force alone was consequently tyrannical. It was argued, that the British Parliament having granted a constitution and certain powers of control to the Canadians, they might now be legitimately resumed. That was an appeal to be determined, not by the resolutions of that House, but by those means which tyrants employed to oppress freemen, and which freemen likewise knew how to employ in order to defend their valuable constitutional rights. If the noble Lord persevered in attempting to carry out these resolutions, it must become a question of pure force. The British Legislature had granted a sovereignty to Canada in money affairs; and that sovereignty they now wished to resume. He maintained it was the control of the purse which constituted the essence of freedom; and did they think the Canadian people would permit themselves to be rendered slaves by the resolutions of that House? The people of this country had, in a similar case, brought about the revolution—in a similar case, they denounced the monarch who dared to tax them without their consent—in a similar case, their fellow-citizens of the United States bad them defiance and threw off their yoke; and if the Canadians were of that race which produced Washington, Jefferson, and Franklin, they would feel themselves in that position which made every man of English blood a rebel. He trusted, however, that such an unfortunate state of circumstances would not be brought to a crisis. He firmly believed the people of England would not permit such conduct on the part of the noble Lord, nor allow their representatives to adopt the means which he proposed of putting down their Canadian fellow-subjects. Probably enough the resolutions would be carried. The sympathies existing on the other side of the House would, probably enough, lead to an unholy coalition with his Majesty's Ministers upon the present occasion. Hon. Gentlemen opposite wished to have the conquest of Canada a precedent for the re-conquest of Ireland, and he had no doubt they would join most willingly in this vile and unholy crusade against the rights and privileges of freemen. But the Canadians would act as Englishmen, and attempt, he confidently expected, by every means in their power, to shake off the yoke. The people of England, he was sure, would say they had, in that case, done right; they would never suffer their representatives to give the noble Lord the means of putting the Canadian people down. Let the House look at this question, in conjunction with the present state of the Texas, and ask themselves if, having failed in the case of the United States when they stood alone, they were likely to be more successful in a similar struggle against the Canadas, backed by so many who hated the name of monarchy, and abhorred an act of tyranny such as this? He should resist the Resolutions of the noble Lord in every stage, contending first of all that they had no right whatever to pronounce a judgment on the acts of the Canadian legislature, they not being responsible to that House; secondly, that they had no constitutional right to interfere with their control over their own money; and lastly, because the consequence of such an attempt must lead to the violent separation of the two countries or a dreadful civil war.

Colonel *Thompson*, after what he had heard during the debate, could not avoid recommending his Majesty's Government to adopt on this occasion the advice of the Scriptures, and to "agree with their adversaries quickly," because, after all he had heard, he had not found one reason advanced on either side to show why the people of England should support the Government in a struggle with the Canadas. On the contrary, he had been struck with some strong reasons why their wishes should be exactly opposite to the wishes of the Government.

"If we could but lose Canada, what should we gain in a commercial way! Would not every man in England who lives in a house, gain a substantial sum which he might add to the amount of his enjoyments? Is not Canada kept as a breeding pen or a warren to which to send that part of the population which is not allowed to live at home? Do not our young couples marry with a certainty that they are to breed for exportation? Will the people of England think it worth their while to struggle for the maintenance of that system? We are told also that we are to struggle for the present Legislative Council, lest there should be an elective one. Why, what do we want ourselves but an elective Legislative Council? Is not that one of the objects which the hearts of a vast majority of the people of England are visibly at this moment fixed upon? Is this to be our recruiting cockade against Canada—'Don't let Canada have an elective Legislative Council, for if you do, there will be an elective Council here?' This is what is proposed to us. I certainly think that the reasons for an elective Legislative Council for Canada, are stronger than they are for one in this country, strong as they may be with us. There is a sort of reverence among the people for a House of Lords, and justly so to a certain extent. Voltaire once said to an old lady, that he had said in five minutes more good of the Creator of the world, than she had ever thought of him in all her life. Now, let me see if I may not say the same with respect to the House of Lords. The House of Lords contains the descendants of men who once possessed substantial power, co-equal with that of the empire, and even superior to it. It still maintains much of that reverence which the people of former days entertained for it; but does anything of that kind exist in Canada? Is there anything there but a mock House of Lords."

The principle acted upon seemed to be, that wherever the people attempted to govern themselves, these efforts were made to check them. Such was the nature of the struggle going on in Canada, and how long it would continue, he could not say; but history told them that generally the people eventually succeeded. He thought the question in the present case was, whether they would drive the people of Canada to say, that the only issue to which they could bring this contest was the separation of the two countries.

Mr. *Roebuck:* A few nights since, in the very place I now stand, I found myself advocating, in conjunction with his Majesty's Ministers, justice to Ireland. I did so, and I would fain have hoped that they did so, not in obedience to any pressing exigency, not for the sake of present expediency, but in accordance with the great, lasting, and universal principles of legislation, with those principles which teach us that if we desire the people to be well governed, we must allow them to govern themselves. This hope, however, has been raised only to be disappointed; a week has not passed before my illusion has been destroyed, and I am compelled to see that we in vain desire such conduct from men in office amongst us, for they have neither the capacity nor the courage to be consistent. We have now before us a case in all its leading, all its important, particulars parallel to that of Ireland. We have, as I shall immediately prove, the same difficulties to overcome, the same prejudices to face, and yet I now find new and very different principles invoked, a very different conduct pursued. "England," said the noble Lord a few nights since, "has justice because she is inhabited by Englishmen. Scotland, because inhabited by Scotchmen." Let me finish his sentence. "Canada has justice denied her, because inhabited by Canadians." The same necessity does not press upon the Government, in the case of Canada, as now bears them down with regard to Ireland. They render justice upon compulsion; and not dreading any pressure from without to force them to be just to a distant colony, they follow their usual habit, the natural bent of their inclinations, and refuse justice to Canada. I appeal, however, from the decision of the Government, to the people of England. I appeal to the people of Ireland—to the hon. Member for Kilkenny, and his friends in this House, I also appeal. We have fought their battle, the battle of Ireland, manfully, and without flinching. That fight still rages! If we are to hope for success, we must prove, by our steady love and pursuit of justice, that we deserve it. If we desire justice for Ireland, we must show ourselves ready to grant it to a suffering colony. We must prove ourselves above the paltry prejudices of national hostility. If we seek justice for Irishmen, who are our subjects, we must not deny it to Canadians, who are our subjects also. The cause of Canada and Ireland are the same—it is the cause of self-government and religious liberty—it is the cause of the suffering many who resist the overbearing insolence of a "miserable monopolising minority." I call, then, upon all those who have fought the good fight for our suffering fellow-citizens across the Irish Channel, to extend the range of their benevolence, and prove, that if our dominion reaches beyond the broad Atlantic, so also does our justice, and that our desire for good government is co-extensive with our empire. I have said, that the cause of Canada and Ireland are the same. I will prove that assertion, and show, that the enemies of the majority in both countries proceed upon the same principles, have the same ends in view, while the people whom they seek to oppress, are in all particulars labouring under similar difficulties. Canada and Ireland have both been conquered by England; the majority of the people in both countries are of the Roman Catholic persuasion; and in both countries a small minority, who call themselves English, have hitherto domineered over, and insulted the people at large, whom they always stigmatise as foreigners and aliens. By the power of England, this monopolising minority has been supported in both countries. The English Established Church has been excited, and an attempt has been made to create religious as well as national discord. When at length reform has been loudly called for, the interests of the minority have been set up in opposition to the cry for justice: the minority has been called English, and its interests falsely identified with those of England—the majority has been branded as foreigners and aliens, and their interests have been held up to public prejudice and hate, as hostile to those of England. In the one case the Ministry seek to support the cry for justice—in the other they oppose it. The only reason that I can find for this discrepancy is, that they love not justice for her own sake, but are her friends and supporters by necessity. I will now, with the permission of the House, lay the case of Canada before them. As shortly as I am able, I will relate the history of her wrongs, describe the claims she now makes for justice, and explain and answer the reasons which are adduced, in order to lead us to refuse her righteous and oft-reiterated demands. The House must bear in mind, that the present discussion relates solely to Lower Canada. The case of the Upper province is a separate matter, that must hereafter occupy our attention. In the year 1791, the then province of Quebec was divided into two separate colonies, the one called Upper, the other Lower Canada. Lower Canada was then, as now, chiefly inhabited by persons descended from French proprietors, and was governed, as respected civil law, according to the Customs of Paris. By 31 Geo. 3rd, c. 31, a constitution was granted to Lower Canada, in form something similar to our own, in substance widely different. The Government was tripartite—1. There was a Governor, representing not the King, but, in reality, being the mere lieutenant of the Colonial Minister. Not, indeed, responsible to the people, but wholly subject to the ministry at home: in nothing did he resemble the King in England. He was merely the lieutenant of the Colonial Minister. I do not mean Lord Glenelg; but I mean certain parties who inhabit a certain office in Downing-street; and I doubt not there is a certain person siting under that gallery who is the real colonial minister. 2. There was a Legislative Council, called the upper House; but in nothing else resembling the House of Lords, having no wealth, no estates, and chosen for life, chiefly from among the official ranks. They thus constitute a faction, having no natural ties or influence in the country; and, thirdly and lastly, there was created a House of Assembly, which really represents the whole population. Such was the constitution. I will now proceed to detail the consequences of creating it. The real history of the present discontents, the circumstances which have given birth to all the existing disquietude, as well as the great principles really involved in the discussion, are all carefully kept in the back ground by those who favour the present ministerial scheme; and this House is now called upon to act blindfold in a most delicate and difficult case. I will now endeavour to state for the information of the House—briefly, indeed, but I hope clearly—the real story of this long-continued and dangerous strife. Some years after the constitution I have just described was granted to the Canadians, they became fully sensible of the value of the gift, and determined to use it to the purposes for which it was intended. This determination quickly brought out the latent errors that had been committed in the construction of their Government. The sinister interests of the Legislative Council were at once brought to light, as well as the mischievous power which the constitution gave of successfully promoting them. The House of Assembly desired to relieve the mother country from all unnecessary burdens, and sought to take charge of their own peculiar concerns. To this end, in the year 1810, they demanded permission to provide for their own civil expenditure. The House of Commons may not know that within the lifetime of most of its members there were committed acts by the English rulers of Canada very similar to those which this House had to bear in the reign of Charles the first. For the demand of the House of Assembly three of its Members were sent to gaol by Sir James Craig, and were eventually contemptuously turned out of prison, without trial or explanation. It may be demanded of me why this outrage was committed. The answer to the question is the key to all the future discontents and disputes, and explains the present condition of the province. The official people of Canada dreaded responsibility to the House of Assembly. They, therefore, at the outset thus violently opposed the demands which they clearly saw necessarily brought with them this disagreeable condition. The great expenditure of England, and the pressing difficulties of our position during the great struggle with Napoleon, at length compelled the colonial Government to accept the offer of the Canadian representatives; but the official tribe did not lose their fear of responsibility, and therefore determined to lessen the evil they could not wholly avoid. Three several plans to this end were devised, and these three plans are at this moment in full force, andare ab out to be carried partially into effect by the noble Lord. The one was, first to demand that the monies to pay the expenses of the Government should be voted in one sum, in what was then termed *en bloc* leaving the distribution of the several salaries and items in the Executive Government. To this demand the House of

Assembly would not accede, and now was shown the real character of the Legislative Council. That body determined to receive no appropriation Bill unless the money were voted *en bloc.* A disgraceful fight was maintained on this point by the official party, aided by the colonial minister, and using the Legislative Council as their weapon of attack and defence. The justice of the Assembly's demands, however, eventually prevailed, and the civil expenses were allowed to be voted by items. The next scheme after this failure was somewhat more artfully concocted. It was determined to demand a permanent civil list—one for the life of the sovereign. This was also resisted : and the House of Assembly was again successful. It was then proposed to have a civil list for a term of years. To this again the House of Assembly has repeatedly refused to accede, and their determination on this head is now as firm as ever. The House saw plainly what was the real intent of the scheme proposed ; and as they determined that the public officers should be responsible to the representatives of the people, they wisely refused to permit this scheme to be carried into effect. I shall hereafter have to discuss this matter, when speaking of the plan of the noble Lord. The third scheme to which I have alluded had the same end in view, viz., to escape from the disagreeable responsibility to the House of Assembly which threatened the official party. The scheme consisted in separating the revenues of the provinces into two distinct classes, and withdrawing one class wholly from the control of the Assembly. The House of Assembly saw through this scheme also, and again wisely determined to bring every portion of the revenue derived from the people of the province under their own control. The struggle of the two parties was, on these two points, carried on between the representatives of the people, strong to defend the public interests, and to make the public servants responsible; and by the official tribe, endeavouring to fight off this painful scrutiny, and to maintain their long-enjoyed and pleasant freedom from any check or control. Let this House bear in mind that they are now called upon to decide which of these two parties have justice on their side. In carrying out their determination to make public officers responsible, the House of Assembly demanded to see the accounts of the Receiver-general of the province. Now, I beg the serious attention of the House to this history, as it shows the real purposes and principles of the two contending parties. Hon. Members will hardly believe, that these accounts were for a long series of years steadily refused. At length, however, the House was determined to bring the question to issue, and they refused supplies. This proceeding forced the Governor-general, Lord Dalhousie, to draw, in spite of himself, upon the Receiver-general, who was then found to be a defaulter to the amount of 100,000*l.* I now entreat the House to remark upon the peculiar points of this case. Here was a public servant refusing to show his accounts. Who supported him in his contumacy? The Executive or Legislative Councils, the official party—brother officials—with the Governor at their head. And in what did they support him? In hiding his bankruptcy—in robbing the public. Let me inform the House that this debt, amounting to 150,000*l.* principal and interest is still unpaid. So far as regards one of these immaculate gentlemen, the official people of Lower Canada. This struggle respecting the Receiver-general continuing, and the House refusing to furnish any supplies but in items and annually, and also demanding to see the accounts, Lord Dalhousie was left without any money legally at his disposal; he, nevertheless, put his hand into the public coffers, and, without legal warrant, used it. This outrage, as it was then deemed—though later times have effaced, by repetition, the notion of its being an outrage—raised the anger of the Assembly to such a point that they determined to petition the Imperial Parliament, stating their grievances, and requiring at their hands a remedy. In 1828, in consequence of this petition, a Committee sat to inquire into the situation of Lower Canada, and that Committee, though of an unreformed Parliament, justified entirely the House of Assembly, severely rebuked the Governor, and proposed to do, what the noble Lord now proposes—to reform the Legislative Council. At that time had the reform proposed been honestly carried out, this change in the character of the Legislative Council would have satisfied the people of Canada. Now no such palliation will be sufficient. They have learned by subsequent experience that reforms are not to be expected from

Downing-street, and they in their next petition demanded a complete change in the constitution of the second charter. The reason of this demand was the non-performance on the part of the Government of its promise to reform the colonial administration. All the former abuses were suffered to exist, and to increase, and new ones have been added. The House again petitioned, and no redress was granted. They thereupon again stopped the supplies, and have resolved not to grant money till their grievances are redressed. I will now shortly state what their grievances are, and what is the plan which they propose as a remedy, and contrast it with that now submitted to us by the noble Lord. The grievances I am about to enumerate are elaborately set forth in ninety-two resolutions of the House of Assembly. I admit they are too numerous; their grievances might have been summed up in two words — "bad government." To those resolutions the House still adheres, so that I cannot be said to act on this matter without authority. 1. The first class of grievances relates to finance. The House of Assembly complains that a revenue is raised from the people without their consent that the control of the provincial revenue is withdrawn from the House—and that accounts have hitherto been denied. 2. The second class of grievances relate to the administration of justice. The judges are wholly irresponsible, and the present disgraceful situation of the judicial bench proves the necessity of an immediate and searching reform. They complain, moreover, that all judicial reforms by which justice may be made cheap and easily accessible—have been refused by the Legislative Council. 3. The House complains that the revenues which ought to have been devoted to public instruction have been diverted from that end. The Jesuits' estates belong to the public, but have been usurped by the official party and applied to their own uses. The House complains bitterly of this enormous grievance; moreover, they further complain that 1,600 primary schools have been closed by the Legislative Council, acting from party and personal pique. 4. They further complain that the British Parliament interferes with internal concerns; and, 5. They assert that the general administration of the Government is mischievous, creating jealousies, distrusts, and alarm, doing many things which it ought not to do, and leaving undone those things which it ought to do. They complain, in fact, that they are deprived of the Government of their own affairs, and they say that they are made the prey of a faction, who cajole the people of England, and rob the people of Canada. Such being the evil, the House of Assembly thought it necessary to suggest a remedy. Knowing well the seat of the disease, their remedy is applied to the really peccant part, and would, if adopted, completely eradicate the evil. The evil is the irresponsibility of the public servants; the means by which this irresponsibility has been maintained is the Legislative Council. This council is responsible to no one, and therefore recklessly pursues its own interest, and treats with contempt the interests of the province. The House of Assembly, therefore, proposes to render this body elective, thus making it responsible to the people, and depriving it of that reckless and mischievous character which now distinguishes it. They propose further to this House to repeal the Canadas Tenures Act, and the Act creating a Land Company, because such Acts interfere with their internal Government. And, lastly, they require, that all the revenues of the province should be subjected to the control of the provincial legislature. I will immediately proceed to the discussion of certain objections which have been urged to this plan, but before I do so I would beg of the House to compare the enormous extent of the difficulties of the case before us, and then to estimate the worth of those inadequate remedies proposed by the noble Lord. The representatives of a great colony have repeatedly petitioned for redress. You have told them that you would give all due attention to their complaints, and to that end you sent out an expensive commission to investigate their grievances. The people told you long since, and your own Commissioners tell you, that the points in dispute are great questions of policy, involving principles upon which rests the whole science of government. You are told that a people complain of the responsibility of its public servants. You hear that supplies have been refused by a vote almost unanimous of the House of Assembly. You see that demands are made to remedy a defective constitution, and the noble Lord brings before your notice a pitiful evasion of the whole matter in dispute —a sort of cut-purse remedy, "Rob me the Exchequer, Hal," being his motto and rule upon the occasion. He proposes merely to pay certain arrears of salary, to destroy thus the moral force of the Assembly, and to leave the whole evil without the least remedy or check. The coming year must bring back every difficulty; again arrears will exist; again supplies will be refused; again the Legislative Council will be complained of; and again the official tribe will send their hirelings across the Atlantic, and rouse the sympathies of their brother officials in Downing-street. Compare, I say, this paltry expedient, this shuffling and disgraceful evasion of the difficulty, with the bold, honest, and comprehensive plan of the Assembly. You may call yourselves statesmen, and fancy yourselves superior to the people whom you are about to insult; but the day is not far off when your puny efforts, your pretences at legislation, will receive the scorn they so richly merit, and contempt will be duly reflected from the measures to their authors. Look, too, Sir, at the machinery which has been employed to produce this mighty project of legislative wisdom. Not content with the statements of the people's representatives, you sent out an expensive commission to make inquiries, and now propose to do what you could have as easily have done two years since. Have all your inquiries had this effect alone? Have your three special Commissioners done nothing more than this? Has all their wisdom, and that of the ministry to boot, been able to suggest no wiser plan than this pitiful pettifogging chicane? In good truth, Sir, spite of my indignation, I cannot help pitying the degraded position both of the Government and their Commission in this wretched proceeding. Having mentioned the Commission and the Commissioners, I will here express my opinion of themselves, their proceedings, and their production. The very appointment of the Commission was in itself an insult to the people with their representatives at their head. You had given the people a constitution, and the representatives have the marked confidence of their constituents. This body often sent back to the people, and as often re-elected, set forth their measures and their demands, and you in answer sent out a body of Commissioners to make inquiries as to the truth of the Assembly's complaints. That is, you set aside the statements of the natural leaders of the people—of persons born among them, well knowing their failings, wants, and wishes,—acquainted with their manners and their laws—and you sent out these gentlemen from this country to supersede the House of Assembly in their function of representation, the grievances of the people, to the Throne and to Parliament. Now the first inquiry necessarily must be, is there any peculiar knowledge or certainty in these persons to fit them for this invidious position? Before we can answer such a question we must know what was the subject matter of their inquiries. Let it be remembered that the subject matter of inquiry was here twofold—1st. A great practical difficulty arising in the government of a colony under very novel and intricate circumstances; 2nd, A body of very complicated laws which are said to require reform. This body of laws is composed of the old Roman or, as it is called, the civil law, of the Customs of Paris as existing in the seventeenth century, certain portions of the English common law, of the English statute law, of ordonnances, and provincial statutes. Now, who do we send there in these difficult and intricate affairs? Men bred to the study of government as a practical science—of jurisprudence, of positive law? No, no. The first commissioner is a sort of country squire—a peer, indeed, but in his habits and education a mere country gentleman, whose knowledge of the Pandects is probably confined to the fact that they were compiled by Justinian; neither can he be supposed to know much of Canadian law. Sir George Gipps is a soldier; and Sir Charles Grey, though an East Indian judge, cannot be expected to know more than his Colleagues. They have been extolled because of opposite political sentiments; and the Report on your table, evinces the greatly beneficial result of quarrelling commissioners. Sir George Gipps has a leading towards liberality; Sir Charles Grey is a high Tory; and as for poor Lord Gosford, he seems to have led a disagreeable life, between the snarling Whig and the arrogant Tory, and was evidently distressed to choose between the two, knowing nothing of the subject matter of dispute. Such is your piebald commission, which superseded the Representatives of the people in their duty of discovering and explaining the grievances and wants of the community. And what has the Commission done? It has done just what I predicted it would do—spent money, and gained no information. Look at the Report—I hope hon. Members have read it. The noble Lord, indeed, thought fit, in his official capacity, to give it official praise: but, unburthened by any conventional authority, I am bound to say, that a more unworthy document was never laid upon your table. It sins in every possible way against the rules according to which such a document ought to be framed—confused, contradictory, illogical, insincere, containing few facts worthy of record, and no reasoning worthy of the name; it is beneath contempt; it is a disgrace to its authors, and to the Government to which it is addressed. I defy any one to point me out a single particular of importance of which the Government had not already ample information. I challenge any one to show me an argument which is not condemned by the premises stated in the volume itself. It tells no truth worth knowing—it records many falsehoods long since refuted—it has cost a large sum of money, and will probably cost us also the colony itself. I now, Sir, return from this digression to the consideration of the two plans of reform before us; and I first solicit the attention of the House to that proposed by the Assembly. The objects of the Assembly are twofold—1st, they desire to make all the public functionaries responsible to the people whom they serve; and, 2nd, they desire to have subject to the control of the representatives of the people the whole of the revenue derived from and paid by them. To these ends, the first great means is the destruction of the irresponsibility of the Legislative Council, by which, in fact, hitherto every malversation has been defended, every recusant officer protected, every abuse of whatsoever description supported. In accordance with the successful practice of their intelligent and powerful neighbours of the United States of America, the Canadian House of Assembly have endeavoured to render this second chamber elective. My own opinion on the matter has been very freely expressed to them; and I have sought to convince them that this was not, in my belief, the wisest plan—my scheme contemplated the abolition of the Council. However, to this, as far as I can ascertain it, I believe the feeling of the people to be averse. They believe that a second chamber is requisite to wise legislation, and this opinion they share in common with the large majority of those who have spoken and written on the subject. This elective council it is proposed to elect by a different mode from that by which the Assembly is chosen; and the councillors are to be eligible at a later period of life than the members of the Assembly. Their number also is to be smaller. In short, the model is, the Senate of the various legislatures of the United States. In the Report on your table, the Commissioners, though opposed to this elective Council, are obliged to confess "that in such a country (as Canada) the people will be little inclined to respect any legislative body which does not emanate from themselves; and that this effect must be enhanced in Lower Canada by the example of the powerful states which flourish so immediately in her neighbourhood." Acknowledging, then, that in principle the plan of the Assembly is correct, what objection do they urge to its establishment? Merely what they are pleased to state present circumstances. If it had been asked earlier—if it had been asked later—we would have granted it; but seeing that it was asked just at the time that it was asked, we are bound to refuse your demands. To refuse what? The means of good government; means which they themselves allow to be necessary—a remedy for an abuse which they themselves admit to be a crying one. If we were to grant this demand, say the Commissioners, we should give a victory to one party—we should wound English feelings and injure English interests. They thus echo the cry of the official tribe of Canada. They have adopted the fallacy, and to the best of their endeavours propagate the falsehood which these peculating and refractory servants have been concocting for the last four-and-twenty years. One part of this statement I allow. You will, if you grant this elective Council, give a victory to one party; so you will, if you pay these arrears, by your violent interposition. In the first case, the party to whom you will give the victory will be the people at large, demanding securities for good government; in the second case, you will give the victory to dishonest public servants, who have been plundering the people and fighting off responsibility by every effort in their power. Choose which course you will preserve. But I deny wholly the remaining portions of the Commissioners' assertions. I assert boldly that this is not a quarrel of races, but a quarrel of principle. The dishonest party choose to call themselves English, but I deny that their interests are English interests, or that race or language marks out the contending parties. I take two separate passages of the Commissioners' Report to show this. The first passage will show that some French people join the official herd, because they, like them, have sinister interests. The second passage will show that a large body of the English have joined the popular party, because their interests, being that of the people at large, are identical. "We do not know where any persons," says the Report, "are to be found of British descent who enjoy any influence in society, and, at the same time, wish for an elective Council"—(This, while they wrote it, the Commissioners must have known to be a falsehood)—"whilst of the higher class of French Canadians, there are several who have no desire for it." Here, then, are several of the higher class of French Canadians siding with the official party (as appears by the general Report), when we have it distinctly allowed, that all the large body of persons descended from citizens of the United States, and living in Canada, persons speaking English, are hostile to the official party. How then, I ask, could any man in his senses say, that the quarrel was a quarrel of races? But the Commissioners have had the hardihood to assert that no persons of English descent of any influence in society have joined the popular party. What do the Commissioners say to the names of the provincial M.P.'s? The House must pardon me if I dwell on this topic. The official party, when they found their case becoming desperate, artfully invented this protest of English interests to influence the English people. They knew that prejudice against everything French, and particularly French republicanism, was strong in this country; they, therefore, have laboured industriously to make out that the popular party in Canada are French and republican; that they desire to persecute the English minority; and, that the Legislative Council has been the sole means of security for the English—the sole barrier against a persecuting majority of French Catholic republicans. It is my duty to destroy this fallacy; and, with the permission of the House, I will proceed to the task. The population of Lower Canada is something beyond 500,000, and of these, I will allow for the present 100,000 to be persons speaking English. But this 100,000 must be classified also. There are three distinct classes of persons speaking English; first, there is the large majority of the whole who are agriculturists—now these people live chiefly in the townships by themselves, and very little intermingle with the French Canadians, and of these townships one-half, in point of numbers, have sent members to the House of Assembly, who are staunch friends of the popular party. I press this fact upon the consideration of the House. I challenge any one to deny it; and I ask how any one who is solicitous of his character as a person loving the truth can, with this fact staring him in the face, dare to assert that the question is one of race, and not of principle? I refer members who are doubtful upon this matter to the minute of Sir George Gipps at the end of the General Report. The next section of the English-speaking minority are the merchants of Montreal and Quebec; and these merchants having, as I shall soon show, a sinister interest, they for the most part side with the third section, viz., the official people and their families. Now I desire anxiously to know in what way the Legislative Council protects English interests; for I assume, first, that it is in the interest of England, as a nation, that the colony be well governed; and next, that the interests of the majority of the persons speaking English, are precisely the same as those of the French Canadians. Now, if these assumptions be correct, and I challenge any one to disprove them, how does it happen that for their protection an irresponsible and hitherto mischievous body is needful? These legislative Councillors have no such influence in the country, either personally or as a body—they are not the great land-owners of the country—they are powerful only because they have a *veto* upon all legislation. How, then, came their peculiar, their sinister interests, so identified with those of the laborious English settler? But it may be objected, that the interests of the French and great body of English Canadians may be the same, but the French desire to persecute. They have hitherto been the persecuted. Their desire of vengeance will induce them to run counter to their interests, and ill-treat their fellow-citizens speaking English. Therefore, we must give the minority power in the government equal to that of the majority. My answer to this is, that the Canadians have hitherto given no evidence of their desire to persecute; they have, in all things, proved themselves kind neighbours. hospitable hosts, firm friends to those English who have gone to their country; in none of their legislative proceedings have they shown any, the least partiality to French Canadians; they have never attempted to draw any line of distinction between the English and Canadians. I also desire to know how, in what manner, the Legislative Council have hitherto opposed the desire to persecute? Has it been by shielding peculating officials; preventing the increase of education; fighting a disgraceful fight in favour of every abuse, and resisting reform at every step? If such conduct be a defence of English interests, then, indeed, may the Legislative Council lay claim to the character of their supporters. The House, doubtless, must be struck with the identity of the language used respecting the minority in Canada and in Ireland. In Ireland, nevertheless, we have determined to grant power to the majority—we have done nothing to shield the minority—why should we do so in Canada? Some nights since, when I attempted to give my reasons for believing that the majority would not persecute the minority, the House and his Majesty's Ministers were pleased to receive, with approbation, my arguments, and to adopt my conclusions. The same spirit which dictated the pretext in the case of Ireland set it up in that of Canada; and we, in consequence, shall treat the pretence in both cases with the scorn it richly deserves. To show the House the identity of the two cases, I must once more quote from the Report. Not content with retaining the Legislative Council, the Commissioners entertain the inquiry of how the House of Assembly may also be made subject to the minority, and one of the Commissioners, Sir Charles Grey, tells us how he would have acted in the Irish Municipal Bill, and wishes us to treat the Canadians as he would have treated the people of Ireland. [Here the hon. Gentleman read the passage in the General Report, containing Sir C. Grey's scheme of voting.] I must now dismiss this topic, and turn to another, the interests of the merchants of Montreal and Quebec, about which I shall content myself with this remark. To maintain these merchants, and enable them to aid in keeping a large colony in turmoil, we consent to lose a million and a half a year by our restrictions on timber. Whether we derive corresponding benefit, let the House determine. The last objection I shall notice at present to the plan of the Assembly, relates to their conduct on the tenures of land. In a passage I have quoted, the Commissioners insinuate that the House of Assembly is in love with antiquated feudal customs, and determined to retain a mischievous system of law. I would, in answer, remark, that Sir George Gipps, a soldier, and Lord Gosford, a country gentleman, are but little qualified to judge of the difficulties attendant on changing a law of this kind. They know nothing of the law of France, and the incidents and complicated peculiarities of the tenures they deny, and I suspect Sir Charles Grey is pretty much in the same condition. It so happens that the great body of the public desire a change, but they desire that the change should be made by their own representatives, and not by those so ignorant of the whole matter as the Imperial Parliament. For this they are abused, and a reason is hence deduced for maintaining a corrup and corrupting body, that is itself also incapable of working out the reforms needed and desired by the people. To the other items of the Assembly's plan I shall not now advert, but shall resume the remarks I have to offer when the separate resolutions are submitted to the Committee. I am come to the plan of the noble Lord; and I am pleased to know, respecting this whole project, the following things:—That 1. The plan, if adopted, will be a signal and gross breach of faith on the part of this House. 2. That it is wholly inadequate according to the noble Lord's own showing; and 3. That it is unjust and impolitic. When the disastrous consequences of the attempt to tax one of our American colonies in 1770 were dearly proved by the loss of those flourishing possessions, and the independence of the United States of America, the Legislature of this country passed a law, by which it solemnly gave up, as a great concession to a great principle, all power of taxingthe colonies. That power was after this solemn concession to rest with the colonists; and in 1793 we established a constitution in the Canadas, by which we gave a means of checking the public servants of the province which we ourselves possess—a power rude indeed, and not well fitted for the end in view—I mean that of stopping the supplies. The clumsiness and inefficiency of these means resulted, however, from the nature of the constitution. In America, where the people do really govern, the power of remedying all grievance is directly and immediately occasioned. No roundabout course is adopted. If public servants act unworthily, they are at once dismissed; if changes are desired in faulty institutions, they are immediately made. But in our colonies (in the colonies all are Tories) as in England, the people govern only by a sort of side-wind; they can if they please make bad government so uncomfortable to the governors, that to maintain grievances will prove more distasteful than even reforming them. This effect is produced by the circuitous method of stopping the supplies. This method is in strict accordance with the powers you yourselves conferred on the representatives of Canada; and you now, because you fancy yourselves strong, determine not to remedy the grievance, but to punish the representatives for believing your constitution a reality, and youselves not to be impostors. You told them you had given them a constitutional power, which you considered one beyond all price; you told them they were the House of Commons of Canada, and you now punish them for putting faith in your assertions. You are about to take upon yourselves the taxation of the people; you are about to declare that your solemn declaration in times past, a declaration wrung from you by a bitter and disgraceful experience, was a solemn farce, and that you keep your faith only so long as you are not afraid of the consequences of breaking it. What is now the value of your protestations? Your faith will be a by-word among the people and following your mischievous example, the people will obey only so long as they fear you. Need I say anything to prove the utter inadequacy of this plan? What is the evil—what the proposed remedy according to your own statement? You declare that great misey exists among the publicsersy vants; we do not deny it. Well, miser is created, what do you propose to do? Do you propose to prevent the recurrence of the mischief? Not at all; you pay the arrears. Who will pay the servants next year. Do you believe that the House of Assembly will do so? Are you not well assured that next year will bring but the same difficulty? The grievances complained of exist, the House of Assembly exists, their feelings and their power are the same as formerly. What, then, will happen next year? You know as well as I do that the supplies will again be stopped that the same doleful outcries will again be raised by the public servants, and then, I suppose, we shall have another special commission—another delay of three years—another evasion of the difficulty—another breach of faith—and that so long as Canada is ours, discontent, distrust will continue, exasperation will increase—their powers of resistance will increase also, one effort will be made, and you and your shuffling policy, your degraded government, your unworthy, peculating, and mischievous officials will be dismissed with ignominy and hatred. Need I say any thing more to prove this proceeding unjust? You seek to punish and insult the faithful guardians of the people; you protect and sympathise only with the unworthy, recusant, and peculating servant; you set aside with contumely the grievances of the people; you have compassion only for the suffering of public servants. I hear eternal talk of the evil consequences of stopping the supplies to those official people. I hear nothing in reproof of the Legislative Council, who shut up last year all the public primary schools in the country, and left 60,000 children without instruction. All your regards are turned the wrong way—all your inquiries have a wrong end in view. You sought to make out a case of hardship to the servants of the people, but you turned a deaf ear to all complaints of evil to the people themselves. The House of Assembly seeks to make the servants responsible—the servants seek to avoid responsibility; you thrust yourelves into the dispute, and instead of doing what your duty dictates, you take the part with the profligate servant, and ill treat the already injured master. Such, Sir, is the course his Majesty's Ministers now seek to pursue. At the commencement of the Session I stated, in reviewing the colonial policy of the present Government, that in no way were they better than their predecessors, and they now affirm my assertion. I said, that abroad they did not fear the anger of the people of England, they knew that the people pay little attention to the colonies—in the colonies, therefore, ministerial feelings have full sway, and revel in undisturbed security. What is the result? Behold it now on your table—behold it in the propositions of the noble Lord, in the division of this evening; you will at once learn the apathy of the people of England, and the innate spirit of jobbing, and unworthy leaning to unworthy servants, which rules uncontrolled in the hearts of the servants of the crown. But I would ask his Majesty's Ministers, if they have well weighed the policy of this measure, and do they know its inevitable results? Lest they should have been negligent on this head, and in order to prevent the possibility of their saying at any future time, "we did not anticipate such results, and no one pointed them out," I will, for their information, and for that of the House, state what my knowledge of the country leads me to expect as the result of this measure. The first immediate consequence will be, intense anger in the minds of the great majority of the population, who will see in this proceeding insult and injury. This anger will produce a determination as soon as possible to get rid of a dominion which entails on them results so mischievous and degrading. Every year will hereafter strengthen this feeling, and lasting enmity and discord will thus be created between the mother country and the colony; discord that will cease only when the colony shall become like the United States, a great, powerful, and independent community. The immediate effects of this anger will not be seen in open and violent revolt, but in a silent, though effective warfare against your trade. Non-intercourse will become the religion of the people. They will refuse your manufactures, and they will smuggle from the States. The long line of frontier will render all your attempts to prevent this smuggling unavailing. The people will refuse your West-India produce, and they will view with hatred your shoals of unprotected emigrants. They will withdraw themselves from your communion, they will teach their children to hate you, and they will look with longing eyes to this happy States adjoining their frontier. Impatiently will they wait for the moment in which they shall obtain their freedom, and become part of that happy, and, for our interests, already too powerful republic. A war will be waged through an unrestricted press upon your Government and your people. In America you will be held up as the oppressors of mankind, and millions will daily pray for your signal and immediate defeat. To restrain this press will be impossible; printing presses will be established along the line, and inflammatory papers will be imported into your colony, spite of an army of custom-house officers and lawyers. The fatal moment will at length arrive. The standard of independence will be raised; thousands of Americans will re-cross the frontier, and the history of Texas will tell the tale of Canadian revolt. The instant you have passed the resolutions of the noble Lord, a wide and impassable gulf will be opened between you and your colony, the time for reconciliation will be gone for ever, and the bitter lesson taught us by the mighty empire we have already lost will be repeated. We may then indeed repent our folly, but repentance will be vain—our loss will be irreparable—shame, defeat, and ignominy, will be our portion, and we shall leave for ever the shores of America, amidst the hootings, and reviling, and exultation, of the many millions of her people whom we have successively injured and insulted.

Sir *George Grey* said, the hon. and learned Gentleman had endeavoured to lead the House from the real object under its consideration by a lengthened detail of grievances, the whole of which, with one exception, he perfectly remembered to have heard the hon. and learned Member go through in a speech delivered by him in 1834, when he moved for a Committee to inquire into the state of Canada. The hon. and learned Member omitted to state the fact, although it was a most material one that they were now discussing this question under entirely altered circumstances from those which existed when the question came formerly before this House. In the several addresses which had lately been presented to the House, from the

House of Assembly of Lower Canada, in the speeches which had been made that evening by the several advocates of the claims of the House of Assembly, no complaint appeared to be urged against the executive Government, the ground of complaint being, not that the instructions of the home Government to the executive Government of Lower Canada, were not directed to the redress of every grievance which it was in the power of the executive Government to redress, not that the local Government had not acted in the spirit of the instructions, or that the executive Government had abstained from doing everything in its power, but that the Imperial Parliament had not altered the Act of 1791, and that the home Government were not prepared to ask the House to concede every demand made by the House of Assembly, as the price at which it would purchase their good will, and justify them in their refusal to advance supplies necessary, not for a few official persons, as the hon. and learned Member wished to make out, but for the continual administration of justice—of that justice which was now in danger of being polluted at its source from the terror with which the judges of the land regarded not only the suitors before them, but perhaps even the criminals whom they had to try. He would appeal to all the papers on the table—to all the instructions which had been sent out to the local governments, and to every act which they had done in pursuance of those instructions—and he would ask if there were anything which a free and independent people had the slightest right to complain of? Every grievance which had arisen out of former mis-government—mis-government strongly condemned and reprobated by the Commissioners and the home Government—had been redressed to the utmost power of the Government; and now the House of Assembly took their stand on another ground, and declared that if the constitution were not altered, if various acts were not done, which Government, consistently with its duty, could not ask the House to do, but which must be done by Parliament, if done at all, that they would abstain from the exercise of those functions reposed in them by the Act of 1791. What were the demands made by the Assembly? They had been treated as if they went simply to make an alteration in the Legislative Council recommended by Mr. Fox. When the subject was last before the House he stated that he considered the principle of the Act of 1791 to be, that there should be an independent Legislative Council, and that it was most desirable to devise means whereby the Legislative Council might be rendered so, and with this view the Commissioners sent out to Canada had been directed to inquire by what means the Legislative Council might be rendered more an object of public confidence. The intention was not to render the Legislative Council a mere cipher or a mere echo of the sentiments of the House of Assembly, as was desired by the hon. and learned Member. The hon. and learned Member complained that Government had not placed sufficient confidence in the statement of facts made by the House of Assembly last year, and declared that the Assembly being the constitutional representatives of the people of the province, he claimed for them that the complaints of the people of the province should proceed only through their medium, and that the Parliament here should place implicit confidence in their statements, and pay no attention to any other parties, though these parties might come before the Imperial Parliament with petitions signed by 80,000 persons, who declared that they did not coincide in the sentiments of the majority. The Government had been always fully desirous of sifting to the bottom the statements made on one side and the other as to the state of public feeling in the province, and all that was brought before the House, especially as to the Legislative Council. The state of feeling was strongly adverted to by the Commissioners, and was besides fully evidenced in the proceedings of the House of Assembly, proceedings which ought to be conducted with judicial gravity, but which evinced a most virulent party spirit, directed against official persons. The propositions of the House of Assembly were for the most part altogether inconsistent with the relations existing between the mother country and her colonies; and it was the indispensable duty of Government to oppose propositions the direct and immediate tendency of which was the dismemberment of the empire and the severing from this country one of the greatest possessions of the Crown. The only charge which had been brought against the Executive Government was its appropriation of funds not subject to the House of Assembly, and this was a course which the Executive Government was warranted in taking on all just and constitutional grounds. An analogy had been attempted to be established between this question and the question on which the House had been so lately occupied, the granting Municipal Corporations to Ireland; and he was ready to admit that considerable ingenuity had been exhibited in the endeavour thus to enlist for the House of Assembly of Canada the feelings of the representatives for Ireland, and those who had struggled with them in the assertion of the great principle lately asserted by the Commons of England; but there was not the slightest analogy between the two cases. The object which had been striven for in reference to Ireland was, not to make it an independent portion of the empire, but to invest it with those local powers of Municipal Government which had been with such success granted to England and Scotland. It was no change in the constitution which had been struggled for on behalf of Ireland; it was a change in the constitution which was demanded by the House of Assembly of Lower Canada. It was to be particularly remarked, too, that this outcry was raised only by the House of Assembly of Lower Canada. The people of Upper Canada altogether disclaimed any participation in the demands made by Lower Canada. And what was the case in reference to New Brunswick? In the past year New Brunswick sent two Members of her Legislature to this country to ask concession on all those points on which the people of Lower Canada stated themselves to be aggrieved. In consequence of the communications that took place, an arrangement was proposed precisely similar in principle, and in most of its details, to the proposition made to the House of Assembly of Lower Canada. He had only within these few days received a copy of certain resolutions passed unanimously by the Assembly of New Brunswick, with a few of which he would trouble the House. The first resolution, which was unanimously passed by the Committee of the whole House, was to the effect that the dispatches containing the declaration of his Majesty's Government with respect to various important matters which were brought under consideration afforded the most entire satisfaction, and that requisite means be taken as speedily as possible in order that the views of the home Government might be carried into effect. The second resolution was, that the House of Assembly entertained a deep sense of the obligations which it owed his Majesty's Government for the promptness with which it had attended to their wishes. These resolutions were, as he had stated, passed unanimously by the House of Assembly, which was a completely fair representation of the inhabitants of the colony, sensible of their rights, and willing and anxious to maintain them. They showed the utter groundlessness of the charge that the present Government was dealing with those colonies in a severe manner. The terms offered to New Brunswick had been offered to Lower Canada, and, in addition, they proposed to deprive the Crown of the appropriation of one million annually, provided that the support of the judge, and a few other civil officers was guaranteed by the House of Assembly. The proposition was rejected by the House of Assembly; they insisted upon the absolute concession of their demands, involving, as they did, the independence of the colony, and its separation from England. And though there was a nominal control, involving a certain degree of responsibility, it was a most inconvenient responsibility, and one that did not ensure the existence of good government. It certainly was the duty of Ministers not to abandon its colonies without sufficient reason being assigned. It was impossible, in his opinion, to concede the demands insisted upon by the House of Assembly. The hon. Baronet the Member for Cornwall (Sir W. Molesworth), had taken a high ground, and said that he denied the right of the House to interfere in the way proposed. He would not detain the House with this argument, he would only appeal to a memorable instance in which Parliament, by virtue of the right which the hon. Baronet denied, proposed to assert that privilege that existed in the case of an extreme emergency, and did assert it, by striking off the fetters of 890,000 slaves, by virtue of an act of the Imperial Legislature, who, but for this interference on the part of the Government, would have continued in perpetual slavery. The only question they had to argue was, whether, in the present state of the colony, they could comply with the course proposed. He would ask the hon. Baronet, the Member for Cornwall, to look at the state to which the judges of the land, various officers of the province, and even the gaolers of the prisons, were reduced by the total stoppage of all appropriation for, not three years, but four and a half years. Last year this misery was reduced by the payment made by Lord Gosford out of those funds which the Crown had hitherto appropriated, and which, in order to show the sincere desire of the Government, he was directed to abstain from appropriating in the usual way, so long as there was any hope of obtaining the supplies from the House of Assembly. It was plain, therefore, that England must either abandon the colony, and concede all their demands, or they must attempt to go on again for years in the vain hope that the House of Assembly, without the intervention of Parliament, would recede from their demands. He thought that of this there was now no reason to hope, and that they would be committing a gross injustice if they continued public servants in the discharge of a duty without remunerating them for their labours. This was a condition in which the Government should no longer allow its public servants to remain. It was a question for Parliament whether they would obtain the means of carrying on the Government by a complete concession of all demands, or whether they would take the course recommended by his Majesty's Ministers, who felt that a case of necessity was established to justify them in the interference which they were compelled with great reluctance to submit to Parliament. There was another course that might be taken, which had been glanced at by the Commissioners, which was, that this House should advance a sum of money sufficient to pay off all arrears, and having obtained the opinion of this House on the questions in dispute, that then they should apply to the House of Assembly, and ask them whether they still persevered in their demands? He confessed that he thought this a still more objectionable and unconstitutional course. Were the representatives of the people of this country to consent to tax the people in order to pay the public servants of a colony, when the colony itself did not pretend that the payment was not just, but refused to pay simply because that House refused to assent to all the unjust demands of that colony. He really thought he need not detain the House by arguing the case of necessity, unless indeed some hon. Member should go beyond anything yet proposed, and were to say that in everything, whether reasonable or not, the majority was to govern the minority. He would put it to the hon. and learned Member for Bath in this way. Supposing, instead of going a round-about way to the attainment of their object, which the hon. Baronet (Sir W. Molesworth) looked upon with so much pleasure, namely, their independence (for the hon. Baronet did not disguise the sentiments he entertained on this subject)—suppose the majority in the House of Assembly declared Lower Canada a republic, and that they threw off their allegiance, and refused any longer to bear the character of British subjects, was that House prepared to say that an immediate assent should be given by the British Parliament to that demand, because it had already received the assent of the majority, whilst the minority of the province—a large, powerful, and influential minority—consisting not of a few official persons, but 150,000 inhabitants of the province (who were daily, nay, hourly, increasing by emigration), protested against the change? Were they prepared to carry out the principle, to legislate merely with reference to the division-list of the House of Assembly, and to say that whatever the majority decided should be immediately done? There was this difference between the imperial and colonial Government, that from the colonial Government there was an appeal to the Imperial Parliament, which would look at the question in all its true bearings, apart from jealousy or from factious motives. It was absolutely necessary that they should secure the Government in this country from the discredit into which it had fallen in Lower Canada. They did not ask that House to make them independent of the House of Assembly; all they sought at present was, sufficient funds to enable them to pay the salaries of the judges and the principal officers of the existing Government. With regard to the general interest of the provinces, he thought that the plan proposed would tend to a permanent settlement of the differences that existed between the two provinces. If, unhappily, the House of Assembly of Lower Canada, should persevere in their present course after the recorded opinionof Parliament, a consideration would arise respecting the connexion which this question had with reference to Upper Canada. Hon. Members who were familiar with the geographical position of that province, its vast territory, and increasing population, would perceive, that if a free passage were not accorded for its commerce through Lower Canada, it would of necessity be driven to seek one th ough the Unite States of America. He therefore thought that the Imperial Parliament was bound, as far as it could, without unduly interfering with the Legislative powers of the Colonies, to provide, or rather to invite the local Legislatures to provide some means by which the common interests of both provinces might be consulted much more effectually than they could be by any arrangement at present existing. By the Canada Trade Act, certain regulations were made with respect to the apportionment of duties between the two provinces; but inconveniencies had been found to result from the system established by that Act. According to the provisions of that Act, the Legislative Assembly of either province possessed the power of originating laws which should be common to the two provinces; but before they came into operation, it was necessary that they should receive the sanction of both the Assemblies. The consequence had been that in that respect the Act had remained a dead letter. It was for that his Majesty's Government had proposed the tenth resolution, by which each of the local Legislatures were invited to depute a certain number of its members—namely, eight members from each House of Assembly, and four members from each Legislative Council—to form a joint committee to consult together about the navigation of the St. Lawrence, the shipping dues, and other matters interesting to both colonies. The Legislature of each province would, nevertheless, have the power of rejecting any proposition made by the Joint Committee; but he trusted that the institution of that Committee would be a means of drawing the provinces together, and putting an end to a feeling of jealousy, which he regretted to say had been continually increasing in force, and which, in his opinion, was more calculated to endanger the connexion of the provinces with Great Britain than any of those measures which had been so warmly commented upon that night. If the hon. Member, who alluded to Municipal Institutions in Ireland, were to suggest to the Canadians the expediency of establishing Corporations in their country similar to those which existed in this country, he would be acting a more friendly part towards them than by stirring them up to resist the Imperial Parliament. He felt convinced that Parliament would be of opinion that the concession of the demands of the Canadians would be fraught with danger, and he appealed to the House to decide between those demands and the propositions of the Government. He desired that the sentiments of that House should be known, and in spite of the predictions, of the hon. Member for Bath, he trusted that when the British Parliament should have pronounced an opinion, the House of Assembly would recede from some of their demands, and not think it any badge of slavery to be connected with the British empire, and to enjoy those privileges which were valued, respected, and cherished in every other possession of the British Crown.

House resumed, Committee to sit again.

IMPRISONMENT FOR DEBT.] On the Order of the Day for the further consideration of the Report of this Bill being read,

Mr. *Pease* inquired, whether the judgements of the County Palatine Courts of Durham and Lancaster would, under this Bill, have equal weight with those of the superior Courts of Westminster Hall?

Lord *Stanley* hoped the hon. and learned Gentleman would give his particular attention to the subject alluded to by the hon. Member for Durham. It was desirable that this Bill, which professed to be a remedial measure, should not inflict injustice. This it certainly would do if it destroyed the efficacy of the judgments of the Courts in question. The inhabitants within their jurisdiction would have to submit either to the expense of proceedings in Westminster Hall, or to a total denial of justice. The practice of those Courts had been assimilated by Act of Parliament with that of Westminster Hall, but this would go to neutralise that provision of the Legislature.

The *Attorney-General* feared that unless there were a general registry of judgments (and no one could desire that improvement more than he did) it would be most inconvenient to allow the judgments of those Courts to have full for e and effect. The result would be, that no property could be transferred without searching for judgments in the Palatine Courts of Durham and Lancaster, as well as in the Common Law Courts of Westminster Hall.

Mr. *Wason* observed, that the difficulty might be obviated, by confining the judgments to property in the two counties of Lancaster and Durham.

Report considered. Some clauses were added, and ordered to be printed. The Report to be further considered.

APPENDIX.

A Report of the Speech of William Alex. Mackinnon, Esq. M.P. *in the House of Commons, on Tuesday, Feb.* 14, 1837, *on Motion for Leave to bring in a Bill to amend the Practice* relating to Letters Patent.—London, *Roake & Varty.*

Sir,

There seems but little necessity to enter into any lengthened statement to show the importance of the law of Patents, and how much any improvement in this law is likely to benefit the inventors and the community.

This country, in a great measure, owes its prosperity, and the great capital of which it is possessed, to the improvements made by ingenious individuals in machinery. Those inventions have enabled us, in despite of soil and climate, to outrival all the nations of the world in manufactured productions; and it behoves us to retain that pre-eminence, and to use every endeavour to promote the welfare of ingenious men, by securing to them the benefit of their inventions. A well known writer in the last century, asserted that Great Britain could not bear more than a hundred millions of debt: she now has eight times that amount of debt which does not press on the country, since steam power has been brought into use, and that talented men have applied their ingenuity in improving the power of steam applied to machinery, by the desire to improve their fortunes, and benefit themselves and the community.

The manner in which the fair emoluments arising from inventions can be better secured, by an improvement in the Patent law, is a boon loudly called for by all who are interested or connected with this subject. Such a call can scarcely be overlooked by the Legislature.

I can assure the House that I am fully sensible both of the importance, and of the difficulty of the subject which I have undertaken. I may add, that whatever time or attention has been bestowed by me on the question has confirmed me in that impression. I was also aware of the former attempts that had been made; and sensible of this before I entered into a consideration of the subject, I inquired of my hon. and learned Friend the late Attorney-General, whether he would undertake it, and also my noble Friend, the late Lord Chancellor. I also mentioned the subject to the present Attorney-General, and to the Lord Advocate of Scotland. The legal and political avocations of these Gentlemen rendered their time too valuable to allow them to enter into a consideration of the Patent laws, but all, I believe, concurred in opinion, that they required revision and amendment. The only course, therefore, left for me was to undertake those alterations and amendments which I mean to propose to the House, in the bill which I am about to lay before them.

It is most desirable to secure to individuals the benefits arising from whatever discoveries they make; also, after a given time, to secure to the public the advantages arising from the skill, the ingenuity, or the fortunate application of some new or latent principle made by any member of the community. Whatever is of service to one party, the inventor, or producer, must necessarily benefit also the public, as the inventor can only gain by the general use of his invention. The advantages, therefore, are reciprocal. The rule ever to be kept in sight is, that a patentee does not possess any exclusive right or monopoly over the public of any invention or discovery that is in use, he only obtains by a patent the exclusive right of disposing for a few years of his discovery, or of that invention which was not known, and therefore not in use. Consequently, by the grant of a patent for a novel discovery or improvement, no injury can possibly be done to any one, provided the term of the patent is limited.

A patentee enters into the following sort of contract with the public. That he shall have the full enjoyment and exclusive right of disposing of his invention or discovery, for a given number of years, provided at the end of that period, the community are made fully acquainted with his invention or discovery, in such a manner, that an ordinary workman in the particular line in which the invention or discovery is made, may construct or imitate the machine, or substance for which the patent is granted, so as to make it in every respect equal to the one produced by the patentee. If this is not the case, or cannot be effected, the contract between the parties, the public and the patentee, is not fulfilled; it becomes void, consequently the patent is forfeited.

That some further legislative enactments are necessary, will appear, not only from the various and unceasing complaints of individuals of all classes connected with patents, from the testimony of most men of science, and of political economists, both in this House, which I now see before me, and of those out of this House, who all agree that some improvement in the law is loudly called for by the community. If any further testimony were required, I will read to the House the Report of the Select Committee which sat in June 1829, on the law relative to Patents, which is as follows:—

"The subject referred to the consideration of your Committee is in its nature so intricate and important, that it has occasioned the necessity of examining witnesses at great length; at the present late period of the Session they are only prepared to report the minutes of the evidence taken before them, and they earnestly recommend to the House that the inquiry may be resumed next session." On my inquiring of the hon. Member who was Chairman of that Committee, the reason why no further report or legislative enactment had followed, he answered, as I understood, that the difficulty and intricacy of the subject had deterred him from further proceedings.

After this I do not think it will be denied by any one, even the most strenuous supporter of the ancient mode, that the present system or law, (if it may be so styled,) for granting patents, does not require both alteration and improvement.

The mode of proceeding that I mean to adopt will be to shew to the House the faults and deficiencies of the present system that are most felt, and to explain the suggestions that I make, and the reasons of the several clauses in my proposed Bill; afterwards I will enter into the intended protection suggested by me, and inserted in this Bill for the Copyright of patterns, models, casts, prints, and designs, which designation is understood to include all figures or manufactured articles, these articles it is intended should be secured by a Copyright for the advantage of the manufacturers, to afford them some return for the great expenses incurred in procuring these designs, models, or prints, and the considerable outlay of labour and talent that is necessarily required.

The system of taking out patents at present is this. An affidavit is first made, then a petition is presented, stating the object of the petitioner: the Attorney or Solicitor General is afterwards to be consulted. Then a warrant is to be obtained, signed by his majesty; afterwards a variety of ceremonies are to be complied with, and fees to the Hanaper and to several officers, in accordance with the old custom established by the 27th Henry VIII. chap. 11. At length the specification is given in by the party requiring the patent, and complying with a few other forms, in all about fifteen or sixteen, all troublesome and expensive, the signature ofthe King is again obtained, and the patent granted.

Thus, the individual requiring a patent, has to undergo an uncertain, expensive, and dilatory form of proceeding, in accordance with a system of the sixteenth century, for the statute of James 1st only limited the King's power of granting patents for discoveries, but did not regulate the forms of so doing.

I am of opinion that the expense of taking out a patent is rather too considerable. From the evidence before the Committee on the subject in 1829, it appears, and also from the statements of the persons who have written on the subject, that the expense of taking out a patent for England, Scotland, and Ireland, is about 345*l.*, and 15*l.* for the Colonies—in all 360*l.*

The chief objections made by those conversant with the Patent Laws, to the present system, are,—

1st. The expense of taking out patents.

2nd. That the patent should be in date from the date of the petition.

3rd. That all the delay and inconvenience attendant on the application to the several offices, and payment of the various fees, should be lessened.

Now, if the amount which arises from 330*l.* to 360*l.* is considered, and added to the heavy expenses attendant on experiments, and of the drawing out the specification, together with the certainty that, in general, those men who are likely to give up their time and attention, and to undergo the labour and patient investigation so requisite to bring any invention into maturity, are not generally men of great wealth, it seems to me most desirable that a less expense should be incurred, which I shall propose.

With regard to the simplicity of the proceedings, there seems no doubt whatever that the manner of obtaining a patent ought to be as simple as possible for all parties. Men are more likely to come forward and apply for patents in proportion as the trouble of obtaining the patent, and the time required are shortened, and the facility is increased.

That a liberty of amending the specification should be granted, provided no fraud is intended, cannot be questioned. This principle was admitted in the Bill of the Session 1835.

In stating this I do not wish to be understood as desirous of lessening the expense of taking out patents too much; I think a certain expense ought always to be incurred by the patentee, to prevent litigation and the multiplicity of patents, both highly injurious to those persons of ingenuity and talent, who wish to take the benefit of the Patent Laws.

The almost concurrent testimony of the witnesses examined before the Committee on patents, seems to admit, what has been stated by me, that considerable loss of time and expenditure has been incurred by the tedious and complicated manner in which patents are obtained, and the delay in obtaining the King's sign manual twice, once to the warrant, and afterwards to the patent, which delay has sometimes caused a lapse of several months to intervene, to the great injury of the party seeking protection for his discovery.

Another fault very generally spoken of, as existing in the Patent Law is, that the patent bears date only from the time of the signature, which may be several months after the petition has been presented; this is not the case with the patent laws of either France, Spain, Austria, or America, nor indeed of any other country, and I cannot see any good reason why it should continue in ours. Much inconvenience and serious loss may be incurred in consequence by the patentees, and I am not aware of a single valid reason that can be assigned for continuing such a practice.

Another complaint made by patentees is, the difficulty of ascertaining whether or not their invention is imitated and pirated.

The following remedies, therefore, are suggested in my proposed Bill.

That the expenses hould be considerably lessened in taking out patents for the empire and possessions abroad; that the Chancellor of the Exchequer should give up the Stamp duties, which would reduce the expense from 360*l.* to about 200*l.*, upwards of one-third; this, I think, would be a great boon to the public, and would prove a loss to the revenue of no more than nearly 10,000*l.* per annum, as will appear from this paper: and for this deficiency, I will suggest an equal, if not greater source of revenue; the new mode of revenue I will mention before I conclude these observations. It must be understood, therefore, that I ask no boon from the right hon. Gentleman, or any reduction of the taxes of the country in this case. With regard to the delay in obtaining the King's sign manual to the warrant, and afterwards to the patent itself, I confess, in these Radical times, I feel some difficulty and hesitation that his Majesty's signature should be dispensed with in the patent.

The next point that requires amendment seems to be, that the patent should bear date from the first time that application is made for that purpose.

I have before observed, that by the patent law of every other country in Europe, the patent bears date from the first day of application for the same, whereas the custom with us is, that the patent is not dated until the enrolment of the specification, which may be, and often is a considerable time after the patent is presented. There is a chance of loss to the patentee and his family in such a proceeding, as must be apparent on the slightest consideration, to any one acquainted with the subject. At the same time, although the patent should date from the time of presenting the petition, I think the extent of the duration of the patent ought to be from the time the specification is enrolled.

For the purpose of removing the burthen from the shoulders of the Attorney and Solicitor-General, and to simplify the whole machinery, I propose to establish three Commissioners to superintend the granting of patents, and to lessen the expenses and delay hitherto incurred. In these days, when the Attorney-General has so much to employ his time, he is a very unfit person to have the direction of the patents of the kingdom. Let me ask the hon. and learned Gentleman opposite, can he find time to attend to the claims of his numerous clients, to his political duties as Attorney-General, and also has he time to be certain that all patentees have their right and their inventions secured to them?

Something has been suggested that, instead of a common or special jury, a jury of individuals connected with the particular science or principle that relates to the patent, should decide the question, not exactly the same as the "conseil des Prudhommes" in France, but yet resembling, in some measure, that tribunal. To this I think it may be answered, that among men of science in this country, or amongst practical mechanics, there is, generally speaking, considerable bias to be found in favour of one system of science or mechanics more than another, which may in some degree prejudice such persons, whereas the common, or special jury enter into the subject without any scientific or mechanical partialities, anxious only to perform their duty, and to act impartially; and with good common sense, assisted by the learning of the judge, and the ingenuity of counsel, it does not seem improbable that they should arrive at a just conclusion.

There is, Sir, another subject, one of very great importance to the various branches of manufacture, to the producers of Manchester goods, of Sheffield or Birmingham ware, or of other things connected with the arts, and with modelling or design;—I mean the protection required of the Legislature for the copyright of all patterns, models, prints, and drawings, for cotton or other goods, which is so loudly called for by the community. That legislation is required on this subject, can scarcely admit of doubt; but it may be as well if I state the following extracts of evidence to the House, to confirm my statement. I believe I may say *ex uno disce omnes*, but if any hon. Gentlemen are desirous of further proof, I will refer them to the Evidence before the Committee on Patent Laws, in May 1829, and also to the evidence taken in 1835 and 1836, before the Committee of Arts and Design. I will, however, confirm my assertion, and, I trust satisfy the House, by reading the following brief extract of the evidence of Mr. John Smith, a Sheffield manufacturer, before the Committee on Arts and Manufactures, 1835:

"There is no protection at all in iron works of art; we have sent out such a thing on Monday morning, and it has been to Manchester, back again to Sheffield, copied and returned to Manchester before Saturday night. The model which I am now speaking of cost us 50*l.* for men's labour."

"Is the copy as good as your original work?—It is not; but they sell them so much cheaper, because they pay nothing for the production."

"This, of course, is great injustice and serious loss to the parties that invent the designs?—It is so great a loss, that we shall give up continuing it. I suppose that more than one-half of the patterns for stove grates and fenders used in England, have originated from us; but the piracy has come to such extent, that unless there is protection we must give it up altogether. If I take a piece of clay, and model the likeness of a human head or any other form that my fancy may dictate, and cast a copy of the same in plaster of Paris, I have a patent or exclusive right to sell copies of it, by merely putting my name and date of publication upon each copy; but if I take the same piece of clay, and spend the same time on it, and model a useful article, a tea-pot for instance, and cast it in metal, I must pay from 100*l.* to 400*l.* for a patent for that article, which I consider a hardship."—*Evidence before Committee*, May 8, 1829.

Now, Sir, the remedy that I would propose, or rather the course of legislation for the protection of copyrights or models, patterns, moulds, drawings, and design, should, in my opinion, be as follows:—

That every manufacturer or designer who is desirous of securing to himself the right of selling any substance or thing with a new pattern, design, model, cast, or print, may have the exclusive right of so doing for one year, on condition of registering such model, &c., and depositing a fac simile of the substance or thing so modelled, or of such pattern, &c. &c.,

and of paying a sum, say 10*l.*, on registry, and by such registry to have the copyright assigned to him for the term beforementioned of twelve calendar months. That for effecting, in a secure manner, the registry of such copyrights, the three Commissioners already mentioned (with or without a salary) be appointed by the Treasury, or by any other competent authority, emanating from the Executive Government. These Commissioners to receive the amount paid by the parties demanding a copyright, and to register accordingly, the surplus of the amount of the sums so received by the said Commissioners, to be by them paid into his Majesty's Treasury, after deducting all necessary expenses of remunerating for the loss of fees and the duties of secretary and clerks; and further, that the said Commissioners may have the power of selecting apartments to form a "National Gallery of Patterns and Models," to admit the public to view such patterns or models, and to have authority in whatever else may be deemed necessary for the purpose of effecting the object of a secure registry, by stamping, or devising some means of marking articles, which may be secured by copyright to the party desirous of obtaining the same.

It appears to me that the only objection that may be started against this plan of registration for one year would be the risk of litigation, as many persons might register articles so very like each other, and yet not exactly the same, as to render it difficult to say whether piracy was or was not committed by one party over the other. In such a case, I think, but I have not ventured to insert it in my Bill, that the Commissioners might have the power to call a jury together by their warrant, as the coroner is empowered to do, which jury, on reading the specification on both sides, and viewing the articles before them, might at once come to a conclusion as to the simple matter of fact, whether or not one of the articles registered was a piracy or imitation of the other. Such a jury, presided over by one of the Commissioners, would have only to enter at once into an examination of the articles before them, after having read the specification, of the simple fact; all expenses to be borne by the party who committed the piracy. If no piracy or imitation was discovered, and it appeared to such jury that there was only that resemblance between the two articles which might occur from two persons directing their attention to the same subject, then the expense, though trifling, should be borne equally by both parties.

I do not entertain the slightest doubt, and there is a probability, I think, of the Chancellor of the Exchequer agreeing with me, (and his eyes will then glisten with pleasure instead of drawing straws) at the bare possibility of an addition to the revenue, if this system is adopted.

The sums for patents paid into the hands of the Commissioners for the patents alone, admitting that a greater number of patents will be obtained, must be much greater than is at present received in the shape of duties or stamps. There can also be no doubt that the number of patterns or models registered for one year, will be very numerous, and will alone produce a considerable revenue, after all the expenses concomitant on the commission, and a compensation for all fees of office are admitted.

The advantages arising from the appointment of such a commission, would be obvious to the House; the Commissioners can enter into the details for securing the copyrights and the registry in a manner that no legislative enactments could meet; they can also direct and superintend the particulars of establishing the National Gallery of patterns, models, casts, moulds, drawings, or designs, so as to afford to the copyright-holders the advantage of their new designs or models being seen and duly appreciated according to their merits; and to the public they can secure the advantage of improving their taste, by the inspection of these patterns, designs, or models, at a small and trifling expense, and also of enabling foreigners to select their purchases to suit themselves. I am not called on at the present moment to enter into further details on this measure, but I have briefly thrown out the outline of my proposed plan for the consideration of gentlemen who may give their attention to the subject. Some objections have been made by manufacturers and others in this metropolis, with regard to the expense of registry being proposed to be 10*l.* as it seems they think this sum too large; to which I should say, that if the expense was made much less, such a number of patterns and designs would be registered, as to give rise to constant litigation, as one design or model might very closely trench on the design or model of another person.

Another objection as to the term of twelve calendar months has been mooted, but I cannot help being favourable to that term, because it affords sufficient time for the fashions to have their sway, and enables the parties to begin next year some other design.

An objection has been started by others, at having all the patterns exposed to view in the proposed National Gallery, as they might thereby be made too familiar to the eyes of the people; to this I answer, that in such a case, the Commissioners might exercise their discretion, and expose the designs and patterns or not, as the parties gave directions on the subject.

Before I sit down, I cannot refrain from observing how important the points that I have had the honour of suggesting to the House are to the best interests of the community. I am not prejudiced in favour of, or wedded to, any particular mode of legislation, and I shall feel grateful for whatever amendment or judicious alteration, or suggestion for my Bill that can be made by any hon. Member, on any of the details which I have laid before them, either within these walls, or by gentlemen out of this House.

When we consider the importance of securing to individuals the benefits arising from their inventions, when the advantages already reaped by the community in every civilized country of the universe, by discoveries or inventions of various descriptions, are taken into the account, I think that no trouble ought to be spared, and no question be deemed more important by the Legislature, than that of forming a code of regulations that may be beneficial to the patentees and to the public. I will discuss the subject no further than to observe that, as civilization and wealth and the desire to improve their condition increase in most, if not all the communities that compose the civilized world, the stimulus for inventions will proportionably be greater, and we may argue from analogy, and look to the next century for further improvements in combinations of matter which have already produced such wonderful results in the last fifty years.

The three or, I may add, four great inventions made at different periods of the world, which have tended so much to its civilization, and to the present improved state of society, may be stated to be, the invention of printing; the magnetic needle; the discovery and application of gunpowder; and last, though not least, the invention of steam power. The gigantic effect of this latter discovery, it is impossible for the human mind fully to appreciate, or even to comprehend. How far its extension, general application, and further improvements are likely to become more useful and subservient to the welfare of mankind, it is not here my province to consider. I will only say, that the means of improvement, of creating capital or wealth, of increasing productions in the various nations which compose the several portions of the globe, can be extended to fifty, five hundred, or even a thousand fold; no bounds can in the human mind be fixed to the results arising from the ingenuity, the activity, the enterprize of mankind, or, I may say, of that capital which may, and most assuredly will, be created. How far the relative situations of people and their rulers, or the mode of governing communities may be changed by such results, has little or nothing to do with the present question, and I will only say (as the observation is not irrelevant to the subject), that if either of the great discoveries to which I have already alluded had been made in former times, say many centuries back, I doubt much whether they would have produced any results whatever. To make a discovery or an invention of the least use, some degree of capital and civilization must be in existence, which can only be found with a certain sentiment of moral principle, in a community where the rights and property of every individual are protected, and, I think, this moral principle was not, and never can be said to exist, unless founded upon the principles of Christianity. To illustrate my position, suppose an individual of the interior of Africa or of the Sandwich Islands, had discovered, five hundred years since, the art of printing, or at this time know correctly the principle of generating a power from steam, the discovery of the former art, or the latter invention, would be useless to him, it would die with him without producing the slightest benefit to the individual, or the least advantage to the community. All the means, all the requisites for either making types and paper in the former case, would have been wanting, and even if found to the utmost extent required, they would become unproductive amongst a set of savages, even supposing (almost an impossibility) any one man to have made such a discovery, would an individual capable of possessing so mighty a mind; would any individual, I say, give up the best part of his life in bringing it to perfection, unless with the fair prospect of some reward, or, at any rate, of some return, either for himself or for his family. I will not, however, extend my observations further on this subject. I could go on to an interminable length, and perhaps, only weary the attention of the House, an ungrateful return for the very favourable manner in wnich my observations have been received. Before I sit down, I will only add, that in the Bill which I here submit to the consideration of the Legislature, I have endeavoured, as far as lay in my power, to meet most of the great and reasonable objections that were made against the present system of the Patent law. I am fully open to any amendments on my Bill that may be suggested. I am neither so blinded by partiality to my production, nor so obstinate in my determination, as not to receive with deference whatever valid objections may be made, or to hesitate in the adoption of any improvements that may be suggested, provided I feel satisfied that such alterations are likely to promote the object we have all in view, the securing to individuals the full benefit of their inventions for a given time, and afterwards of imparting their discoveries in the most useful manner to every member of the community. Sir, I now beg to move, that leave to bring in a Bill be given.

Leave granted.

Bill read a first time, and ordered to be printed; and read a second time on Wednesday, March 1st.

A better Report of the Speech of Sir R. H. Inglis, on the Chancellor of the Exchequer's Motion "*that the House do resolve itself into a Committee of the whole House on that part of his Majesty's Speech which related to* Church Rates," *on Friday, March 3rd,* 1837.

Sir *Robert Inglis* said, that after the manner in which the attention of the Committee had been excited and sustained by the speech of his right hon. Friend, the Chancellor of the Exchequer, he felt most strongly the disadvantages under which he himself rose. Though he entirely disapproved of the plan of his Majesty's Government now propounded, it would be more satisfactory to him in the first place to state the points on which he agreed with his right hon. Friend. He concurred in four of the propositions which he had laid down this night to the Committee. He must reverse their order, and come first to deal with the last point urged by his right hon. Friend. His last proposition was, that under no circumstances would he consent to a separation in this country between Church and State. In that sentiment he most fully and completely concurred; but it ought not to be lost sight of, that much of the arguments brought forward by the Dissenters against the present system of Church-rates might be said to be founded on the existing connexion between the Church and the State. He therefore was glad to have the authority of his right hon. Friend, pledged as strongly as any man could pledge himself, that he would nos consent to any separation. The next point to which his right hon. Friend adverted was, that under no circumstances would he ever consent to what was popularly called the voluntary principle. In this declaration he also rejoiced. The third proposition was one in which he felt that degree of interest which fully justified his right hon. Friend in appealing to him upon it. The proposition was, that he never would consent to any measure which would deprive the poor of access to the religion of their country. There his right hon. Friend had touched on a point deeply interesting to the poorer classes of the community, who, because the gospel was preached to them, had the justest cause to value the land of their birth. The fourth proposition of his right hon. Friend was, the immense importance of the subject—a subject in the consideration of which he stated that he almost forgot himself. He would not use that expression in the way of taunt to his right hon. Friend; but there had been those now connected with his Majesty's Government who had not only forgotten themselves, but had also forgotten their own previous arguments. The Chancellor of the Exchequer had said, that he would first consider the evils of the existing system of Church-rates, and that he would then state the proposed remedies for those evils. Now, though he admitted that those evils were undeniable, yet he was not prepared to recommend the doctrine propounded by his right hon. Friend—a doctrine most hazardous in principle and calculated to be destructive of all Government. The principle of resisting the law until the law should yield was not new, though it had a most injurious tendency. And yet such was the substance of the argument of the Chancellor of the Exchequer, who had instanced the augmented numbers of the opponents of the existing system, as an argument in favour of the proposed change; ought his right hon. Friend not, rather than so give way, say that so long as the law exists, so long shall it be enforced, and therefore his right hon. Friend had no right to make the resistance of the law a ground for its repeal. The case of Sheffield, with its endowed ecclesiastical corporation, had been cited by the right hon. the Chancellor of the Exchequer; but even on his own statements, would not support his conclusion, and might well, therefore, be removed from the argument. Looking throughout England, he would ask his right hon. Friend whether out of the whole population one person in a hundred had refused the payment of Church-rates? Yet the right hon. Gentleman not merely asked the legislature not to enforce the law, but to repeal it If the ecclesiastical report which had been cited was worth anything, it was worth double the value which the right hon. Gentleman had placed upon it; for it not only showed the evils on which the right hon. Gentleman relied, but also the remedies to which he had avoided any allusion. But the great question was, not the detail of the plan now laid before the House, for the right hon. Gentleman had stated that hon. Members could not now be expected to meet him on those details. He had claimed a right to be judged by his actions, and not by any prejudice raised out of doors—he had prayed that he might not be met by the cry of "The Church in danger." Now he would ask the right hon. Gentleman to read the petitions presented against Church-rates by those whose opinions he professed to respect—he asked him if they did not state the objections to a Church Establishment, and he would also ask him if it were not as belonging to that Establishment that Church-rates were now attacked? It could not be denied that the objection did not lie to the amount of Church-rates, but to the principle on which they were based. The objection to that principle went against the Church as an Establishment, and went to destroy its nationality. If the plan of the right hon. Gentleman were adopted to-morrow, though a fund might be found sufficient for all Church purposes, yet the nationality of the Church of England would be destroyed, and it would be considered as a Church not supported by the nation, but by itself. He would not then enter into the question respecting the law of Church-rates, or the mode of collecting them; but he would contend that they formed a portion of the estates of the Church, and that she held them by a tenure which was older than that which secured the title of any other property whatever to its possessor; and that those rates were held by the Church for the purpose of maintaining the worship thereof. Long before the House of Commons existed as a body, the Church had a right to this property: and there was not a house or an estate in England which had been bought and sold that had not been bought and sold subject more or less to payment of Church-rates. He would ask any hon. Gentleman whether he had not himself purchased his house, or occupied his land, with a distinct statement on the part of the person from whom he received his property, that it was subject to such an outgoing? He would then ask whether it was consistent with common sense, and, he would add, with common honesty, for the party who held the property to turn round, and say to those who had this interest in it, "our conscience will not permit us to respect your interest, or to pay this rate?" He was quite willing to have the case decided by the customary condition of bargain and sale; and if his right hon. Friend, the Chancellor of the Exchequer, would appeal to any given number of auctioneers in London, he would find that the outgoing of Church-rates was always taken into calculation, as well as the outgoings arising from the sewer-rate, the poor-rate, or any other rate. Could it then be deemed consistent with common honesty, that a Dissenter having purchased a house under the condition that he should pay so much less to his landlord because he would have to pay Church-rates, should say, that although his conscience would not prevent him paying his rent, yet it would not allow him to pay the Church-rates? He believed that no hon. Gentleman, whether Churchman or Dissenter, would defend such a course as that. Let them object if they pleased to Church-rates or to Tithes on the ground of political economy; but let them not, whatever objections they might urge against the one or the other, put those objections on the ground of asking for a relief on the score of conscience. It was utterly inconceivable that property which a man held to-day subject to the payment of Church-rates should cease to be so if transferred to a Dissenter to-morrow. Absurd as was this doctrine, it had been stated, but nothing could be more delusive. If carried into practice, it would be at once a premium for hypocrisy, an encouragement to dissent, and a penalty on adherence to consistent principles. He believed no one would attempt to defend it, or, at least, could defend it, either in or out of the House, by sober argument; and he was glad to observe, by a movement of his right hon. Friend, that he recognised the truth of that opinion. Under this view of the subject, then, resistance to the payment of Church-rates was unreasonable and indefensible. It was unreasonable also that the oldest tenure of Church-property should be hazarded, and, what was much more important, that the existence of the Church as a national establishment, should be put in jeopardy, and that the recognition of the Church as a great state blessing should be compromised. The national existence of the Church was compromised, he might say, almost sacrificed, by the plan of his Majesty's Ministers. By that plan the Church was made to support itself, and he defied the right hon. Gentleman to come to any other conclusion than this—that the nation as a nation would cease to recognise the Church in the character of a national establishment, if all persons who professed not to be members of the Church of England were to be relieved from all contributions to Church-rates as now levied, or to any distinct fund for the same purpose. It was not necessary to follow his right hon. Friend through all the remedies which he had mentioned. He had abandoned four; he had given up the proposition of annihilating Church-rates; he would not throw the Church-rates upon the clergy; he would not throw the expense of the repairs of the Church on the pew-rents; and he had with perfect justice repudiated in like manner the throwing of the present expenses, defrayed by the Church-rates, on the Consolidated Fund. His right hon. Friend had spoken, indeed, of the latter remedy, as a kind of makeweight to his other plan. But it may be argued, that in proportion as the Consolidated Fund was touched, would the conscience of the Dissenter be violated, because, whether he paid a farthing, or the sixth part of a farthing, he would equally pay something towards this "odious impost." How far the plans of his Majesty's Government would satisfy the lessees, was to him but a very minor point; his interest was much more excited in behalf of those who had no direct representatives in that House, as the lessees had—he meant the Church and the clergy. He was more anxious about them than he was for those hon. Gentlemen opposite, whose welfare his right hon. Friend wished to serve, particularly those hon. Gentlemen who came from the northern parts of the country. But he would remind all those who were so anxious to deal with Church property, that they ought to feel they were dealing with the property of those who had no regular representatives in that House. The great principle of appropriation having been decided in that House last year, and the House, or rather Parliament, having assumed the right of transferring the property raised in one county or diocese to another, it was, perhaps, of less consequence now to observe, that the right hon. the Chancellor of the Exchequer had proceeded on precisely the same principle, though on a smaller scale, in settling the question of Church-rates. He apprehended that he did not misunderstand his right hon. Friend in supposing that he had stated that 50,000*l.* a-year, some said 70,000*l.* a-year, was raised in the different parishes of England, from the estates vested in each for the repairs of the Church; and that sum, it appeared, was also to be taken and merged in the great gulf, which his right hon. Friend was now opening for the destruction of Church-rates. Had not his right hon. Friend also proposed, that the improved rents of all the Church estates should be paid over to the Commissioners, and was he not thereby departing from a principle which, only so late as last year, he had professed to respect? It might be considered as a matter of minor importance, but it affected a great principle. In substance, he objected to the plan of his right hon. Friend, because it would go to destroy the national character of the Established Church, and to release the nation from its present obligation to support that Church; and because it would discourage, instead of support, the principal of a national Church, which had been hitherto considered as part and parcel of the Constitution. He could not conceive that this plan would in any degree give increased stability to the Church, although it had been said it would. There was but a very small minority of the parishes in England in which Church-rates had been successfully resisted, and he believed that many of the most respectable Dissenters would be found amongst those who supported the Church, and paid the rates. One of the petitions which he had that evening presented to the House, was signed by a numerous body of Dissenters, who did not consider it to be at all inconsistent, or any violation of their conscience, to pay tribute to whom tribute was due; and he wished the doctrine of that great man among Dissenters, by whose name they most claimed a title to respect—he meant Matthew Henry—were more generally and strictly adopted and acted upon by those who professed to be his descendants, or to belong to the same body of which he was an ornament. It had been well observed, in a former part of the evening, that our Saviour worked a miracle to pay tribute, at a time when the seat of authority was filled by those of whose principles and practice he did not approve; and Matthew Henry had, in his *Commentaries on the Scriptures,* expressed himself in such a manner upon that part of our Saviour's life, that he must venture to tell it to the House, begging them to remember that he was not quoting a Churchman, but a Dissenter, and that the argument was not one of his, but of one of the great leaders of dissent, Matthew Henry, who said, that at the period alluded to in the New Testament history, "Christ wrought the miracle of the tribute money—to set us an example—of contributing to the public worship of GOD in the places, where we are."—"The tribute demanded was not any civil payment to the Roman powers: that was strictly exacted by the publicans: but the Church duties, the half shekel, about 15*d.* which was required from every person for the service of the temple, and the defraying the expense of the worship there."—"The temple was now made a den of thieves; and the temple worship, a pretence for the opposition which the Chief Priests gave to Christ, and his doctrine: and yet Christ paid this tribute.

[Note: Church duties legally imposed are to be paid, notwithstanding Church corruptions. We must take care not to use our liberty as a cloak of covetousness, or of maliciousness. If Christ pay tribute, who can pretend an exemption?"]

He trusted, then, that those who spoke so much of conscientious scruples, would consider how far they could sustain their argument against the authority of Matthew Henry, one of their great leaders, or against the great exam le of Him who ought to be considered as the great leader of all who professed to be Christians. He would not attempt to go further into the scheme proposed by his right hon. Friend, but he would reserve any observations that might be necessary to a future stage of this discussion. He had, at least, endeavoured to shew his right hon. Friend, that while he was anxious to agree with him, and hailed with satisfaction and thankfulness several of the propositions which he had discussed, he could not agree to the general proposition upon which the measure was founded. The first position which his right hon. Friend had taken was, on the popular dislike to Church-rates; but did not that resolve itself into this proposition—"Resist the law, and it will be repealed?" Unless they were prepared to strictly maintain the law in the first instance, he ventured to say that this principle would be carried out, until the next thing would be, a demand to be relieved from the payment of a tax, on the ground of conscientious scruples as to the public purposes to which the revenue was to be applied; and the then next thing would be a demand to be relieved from the payment of rents, on the ground of conscientious scruples as to the character of the landlord. For all these reasons, he objected most decidedly to the proposed measure of His Majesty's Government.

Borough of Stafford.

The following List should have been placed at page 453 of this volume.

Division Lists on the Question of issuing a Writ for the Borough of Stafford on Monday, Feb. 13th.

Stafford Borough.—Motion made, and Question proposed, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Stafford, in the room of Sir Francis Holyoake Goodricke, Baronet, who since his election for the said Borough, hath accepted the office of Steward or Bailiff of His Majesty's three Chiltern Hundreds of Stoke, Desborough, and Bonenham, in the county of Buckingham" (Mr. Chetwynd):—Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "no Warrant for a new Writ be issued for the electing of a Burgess to serve in Parliament for the Borough of Stafford until ten days after the commencement of the next Session of Parliament," instead thereof (Mr. Divett):—Question put, "That the words proposed to be left out stand part of the Question."—The House divided—Ayes 152; Noes 151.

List of the Ayes.

Agnew, Sir A.
Alsager, Captain
Arbuthnot, hon. H.
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